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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 308

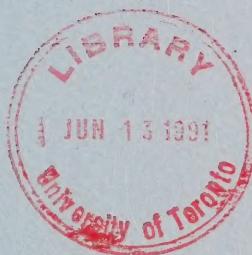
DATE: Wednesday, May 8, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249



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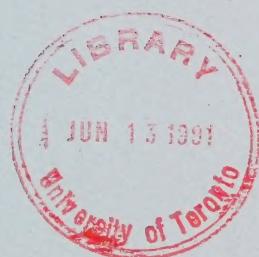
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.

Public Hearing held at the Polish Alliance Hall,
Red Lake, Ontario, on Wednesday, May 8th, 1991,
commencing at 8:30 a.m.

VOLUME 308

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

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MS. J. SEABORN)	
MS. N. GILLESPIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN)	ASSOCIATION and ONTARIO
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APPEARANCES (Cont'd):

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MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

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I N D E X O F E X H I B I T S

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1 ---Upon commencing at 8:30 a.m.

2 MADAM CHAIR: Good morning, everyone.

3 Welcome to the Timber Management Hearing and we're
4 sitting today and tomorrow to hear the evidence of the
5 Canadian Association of Single Industry Towns.

6 Good morning, Mr. Axford.

7 MR. AXFORD: Good morning.

8 MADAM CHAIR: We had public meetings
9 yesterday and we had a large turnout in the afternoon
10 and we heard submissions from various people, and last
11 evening we came back and there were some people who
12 wanted to listen to submissions but they really didn't
13 want to say anything to the Board, so we would
14 certainly welcome during the next two days anyone else
15 from the area who has something to say to the Board, we
16 will simply fit you in in the next two days. So please
17 approach Mr. Dan Pascoe if you wish to make a
18 submission to the Board.

19 Mr. Axford, your group is represented by
20 counsel today?

21 MR. TOBIN: Madam Chair, my name is
22 Tobin. I don't know if it's the practice of the Board
23 is for counsel to stand or sit or whatever.

24 MADAM CHAIR: Well, our counsel usually
25 sit I think.

1 MR. TOBIN: Well, I'll do that then.

2 MADAM CHAIR: Whatever you wish, Mr.
3 Tobin. I'm appearing this morning on behalf of the
4 Canadian Association of Single Industry Towns. I was
5 recently retained for the purpose of helping CASIT put
6 in its oral evidence at this hearing, wisely or not, I
7 accepted the retainer and I come late to this
8 proceeding and I know it's been going on a long time
9 and it's developed its own procedures and practice
10 along the way, and what I would like the Board to know
11 is in advance any deviations from what you consider
12 acceptable practice is because of my ignorance of all
13 that has gone on in the past and I apologize for this
14 in advance.

15 Having said that, I propose to make a
16 brief opening so I may outline for the Board the case
17 and the evidence of CASIT.

18 CASIT's purpose is to draw to the Board's
19 attention the need for a consideration of the social
20 and economic effects that the proposed undertaking will
21 have on resource extraction towns.

22 In the material that I understand is in
23 evidence there are CASIT's terms and conditions which
24 we ask that the Board to consider, as well the Board
25 has been provided with witness statements which, of

1 course, I'll ask be made an exhibit.

2 The submissions of CASIT are relatively
3 straightforward. I would submit, firstly, that the
4 undertaking be accepted subject to the terms and
5 conditions as they relate to those put forward by
6 CASIT.

7 Secondly, these terms and conditions
8 relate to the social and economic effects of the
9 proposed undertaking upon the people of the resource
10 extraction towns. In the evidence that is to be put
11 before the Board we will attempt to show that there
12 have been problems in this area in the past because
13 there has been no formal way for these areas to be
14 dealt with authoritative local input in the planning
15 process.

16 It will also be the evidence on behalf of
17 CASIT that one of the solutions would be for there to
18 be this local and authoritative input into the planning
19 process of timber management and, by doing so, the
20 social and economic effects of this timber management
21 will be considered and acted upon. And this is not to
22 minimize the other terms and conditions proposed, but
23 they will all fit in as part of the way that we think
24 these concerns can be in met.

25 It's our intention to call the witnesses

1 who have provided witness statements and the evidence
2 will be to highlight and hopefully amplify the concerns
3 and the possible solutions, it is not our intention to
4 have them read their statements in full.

5 Having said that, if I may ask the Board
6 if I may file the witness statement as the next exhibit
7 in this proceeding.

8 MADAM CHAIR: Yes, Mr. Tobin. The
9 witness statement submitted by the Canadian Association
10 of Single Industry Towns will become Exhibit 1822. And
11 We have had this witness statement in our possession
12 for some time and the Board has gone over it very
13 carefully.

14 MR. TOBIN: Need I file a copy with the
15 clerk now?

16 MADAM CHAIR: No. We have copies, thank
17 you.

18 ---EXHIBIT NO. 1822: CASIT Witness statement.

19 MR. TOBIN: There is a couple of other
20 small matters before I can start, I don't know if this
21 is the appropriate time. They deal with further
22 documentary evidence.

23 Having recently come to this, I have been
24 provided with further documents that support the case
25 by way of illustration, not fundamentally altering it.

1 I met with my friend Mr. Freidin last evening to go
2 over with him some of the things that I have and other
3 counsel this morning.

4 I don't know if this is the time to deal
5 with objections to it going in or whether there is a
6 concern or whether it should be as it comes up in the
7 course of evidence for a particular witness.

8 MADAM CHAIR: Why don't we do it as it
9 comes up in the course of evidence for a particular
10 witness.

11 MR. TOBIN: Okay.

12 MADAM CHAIR: On some occasions we don't
13 have any problem with documentation coming in as a part
14 accompanying oral evidence, at other times we have some
15 objection, and I think it's easier to deal with it as
16 it comes in.

17 MR. TOBIN: I wonder if I may call my
18 first witness, then.

19 MADAM CHAIR: Would you like your
20 witnesses to be sworn in all at once, Mr. Tobin?

21 MR. TOBIN: I don't know that they're all
22 here at one time.

23 MADAM CHAIR: All right.

24 MR. TOBIN: If that's the practice to do
25 it.

1 MADAM CHAIR: No. You have eight of
2 them, so perhaps that will be -- we've got one Bible.

3 MR. TOBIN: Mr. Edward Everley, please.

4 MADAM CHAIR: Good morning, Mr. Everley.

5 EDWARD EVERLEY, Sworn

6 DIRECT EXAMINATION BY MR. TOBIN:

7 Q. Mr. Everley, where do you reside?

8 A. In Red Lake.

9 Q. How long have you lived here?

10 A. Since 1973.

11 Q. And what is your current occupation?

12 A. At the present time I'm retired.

13 Q. And before you were retired what was
14 your occupation?

15 A. District manager for the Ministry of
16 Natural Resources in Red Lake.

17 Q. How long did you hold that position?

18 A. Since 1973.

19 Q. And briefly, in your capacity as the
20 district manager, what were your responsibilities, and
21 I ask you to direct them towards the timber management
22 area?

23 A. The responsibilities of the district
24 manager are to administer all of the various programs
25 and to bring them together, forest management being one

1 of the programs, fish and wildlife, park lands, a
2 number of programs, to ensure that the programs mesh
3 and that the objectives of those programs are met
4 within the...

5 Q. When you were managing those programs
6 what, if any, consideration on a formal basis was given
7 by you to the social and economic effects of those
8 programs?

9 A. There was nothing dictated or set
10 down that we had to consider the social economic
11 impacts of anything we did, but all of the things that
12 we did within the Ministry, I think we were conscious
13 of the impact it would have on the community, on the
14 people, and tried to be sensitive to those views.

15 Q. That was a personal thing, I take it,
16 rather than I suppose a Ministry directive?

17 A. Yeah. It was -- I think all the
18 staff had the same feelings or that they tried to do
19 what they thought was best for the community and for
20 the area, but it wasn't legislatively dictated.

21 Q. Now, in your witness statement there
22 is produced at the back of it a document entitled:
23 Comment No. 15. Perhaps you can turn to that. If the
24 Board can refer to that.

25 No at the end of your statement, the

1 letter.

2 A. Mm-hmm.

3 Q. Could you please advise the Board
4 what is this letter that's there?

5 A. That was a response to, I guess, a
6 comment that was made as a result of one of the open
7 houses from one of the timber management plans, I
8 believe it was the Pakwash plan at the time, and an
9 inquiry or a comment was made by Mr. Axford and that
10 was the response that he was given by the Ministry.

11 Q. How old is this letter? I don't see
12 a specific date on it?

13 A. I suspect that it's six or seven
14 years old.

15 Q. And when you say the Pakwash plan,
16 just in very general terms what was that?

17 A. That was a timber management plan for
18 the Pakwash Forest.

19 Q. And how long was that plan to manage
20 them?

21 A. It was a five-year plan.

22 Q. Now, you're sure that wasn't a
23 20-year plan. If you look at top --

24 A. It may have been.

25 Q. If you look at Mr. Axford's --

1 A. It was 20-year, and five-year plans
2 and annual work schedule. This could have been a
3 20-year draft plan.

4 Q. Okay. And now when I point you to
5 that, I point you to the top of Mr. Axford's, I guess,
6 comments.

7 A. Yeah, mm-hmm. That's right.

8 Q. Now, in the second paragraph of the
9 response -- is that response by you to Mr. Axford?

10 A. The second paragraph being a...

11 Q. Your response.

12 A. "Your concerns..."?

13 Q. Yes.

14 A. And what was your question?

15 Q. This response is your response to Mr.
16 Axford in this matter; is it?

17 A. That's right.

18 Q. All right. I guess the letter speaks
19 for itself, but generally what's the intent, what were
20 you trying to advise Mr. Axford in this letter?

21 A. I was trying to advise him that in
22 terms of the formal direction within the plan there was
23 no section that dealt specifically with social economic
24 impacts.

25 Q. Okay. Before writing this letter,

1 did you have occasion to review it with any of your
2 superiors or managers?

3 A. Yes, I discussed it with the Regional
4 Director at the time, Mr. Johnston, I suspect Mr.
5 Straight may have been involved and the forest
6 management people in Kenora.

7 Q. Does this letter reflect what was
8 then Ministry policy?

9 A. Yes, it does.

10 Q. Okay. Were there any formal
11 guidelines or any manuals or anything in writing to
12 assist you in making an assessment of what social and
13 economic effects would be and how they should be dealt
14 with when dealing with timber management?

15 A. No, no, there was nothing.

16 Q. Okay. What, if any, process was
17 there to analyse the social and economic impact of
18 timber management plans?

19 A. There wasn't any process that I'm
20 aware of. The staff involved in writing the plans
21 tried to deal with it in a very general way, but based
22 on their experience and knowledge it was a pretty broad
23 look at social economics.

24 Q. And the question was phrased dealing
25 for with the planning process. Was there any other

1 process to deal with other aspects of social and
2 economic effects--

3 A. No.

4 Q. --once you thought that it went
5 beyond the planning stage?

6 A. Not that I'm aware of.

7 Q. Okay. You've described that the
8 people in your office or your area dealt with it, I
9 guess, on a day-to-day basis in what they thought was a
10 sensitive way. Is that what you say?

11 A. Yes.

12 Q. Just how did this happen, just what
13 were the dynamics of that?

14 A. During the planning process I think
15 all of us were aware that a certain number of people
16 were employed, a lot of those people lived within our
17 community, and that if things became -- all the impacts
18 of cutting impacted them and their livelihood if they
19 had to move to another area or if they were shut down
20 for any particular period of time, it affected them,
21 affected their jobs.

22 Q. Where was the starting point for the
23 planning; was it to have regard for the people in the
24 town or was it to have regard to how much timber had to
25 be supplied to the mills, or where did you start from?

1 A. I guess the start was that we had to
2 supply timber for the mill.

3 Q. And I take it this is done by way of
4 targets?

5 A. Yeah, there are targets set for that.

6 Q. Were there any other targets or were
7 there targets for any of the other resources that made
8 up the land base or the uses of the land?

9 A. There were targets for them, but not
10 set out in such a way that you could actually measure
11 them and put numbers to them.

12 Q. Okay. And to be more specific, I
13 take it there was no targets to make sure there was so
14 much fish or fly-in camps or things like that?

15 A. No. In more recent years we've had
16 targets to -- there were targets to produce so many
17 kilograms of fish, for example. It wasn't assigned to
18 any particular user.

19 Q. What about for the trappers,
20 anything...

21 A. No.

22 Q. And perhaps by way of example, the
23 next question: How did the Ministry, when you were
24 there, accommodate the other users of the land, and
25 perhaps you can make reference to your statement.

1 You've given some examples and particularly dealing
2 with roads.

3 A: During the planning process there
4 were a number of opportunities for the public
5 interested users to come in and make comments on what
6 their concerns were, what they felt should be in the
7 plan. There were several places during the course of
8 the planning process where they were invited to
9 participate.

10 Q. For example?

11 A. Well, for example, in the road --
12 particularly in roads because that's where the most
13 response, most comments seem to come from.

14 The roads were displayed or potential
15 access corridors I guess for roads were shown on maps
16 and the public could come in and give their views as to
17 whether they thought the road should be in that
18 particular location, which location they would prefer,
19 whether it should be an all-weather road, whether it
20 should be closed to public traffic, they could discuss
21 things like that.

22 Q. And what would you do with the
23 information, if any, received from the public?

24 A. It would be considered by the
25 planning team. In some cases it was fairly

1 straightforward, there was suggestions or comments made
2 that -- or the Ministry at the time would say, yes,
3 that seems to be the preferred option and we will go
4 that route.

5 On some occasions there were some very
6 detailed discussions, one-on-one negotiations with the
7 timber operator or the company and the affected user or
8 users.

9 And some cases this was done without the
10 Ministry being present always, and at other times the
11 Ministry was the catalyst that brought them together.

12 Q. Were these hearings or these meetings
13 and things done more on an ad hoc basis than on a
14 formal basis; an as and when needed basis?

15 A. Well, they arose from the comments
16 made at the opening house which was the formal process.
17 There were a number of meetings after that which you
18 might describe to be ad hoc until the issue was
19 resolved.

20 Q. In your statement in Example 1
21 there's a phrase in there:

22 "When decisions were made about road
23 access, my instructions were to consider
24 the public good."

25 Where did those instructions come from,

1 and what -- specifically, were the instructions any
2 more specific than that?

3 A. No. That comes from the broad land
4 use planning process where the public good has to be
5 considered in any decision.

6 MADAM CHAIR: Excuse me, Mr. Everley,
7 which year did you retire from the Ministry of Natural
8 Resources?

9 THE WITNESS: 1990, February 1990.

10 MADAM CHAIR: Thank you.

11 MR. TOBIN: Q. And following up from
12 that, the evidence you're giving or the information
13 you're giving this morning, does that reflect your
14 understanding of the policies up until the time you
15 retired?

16 A. Yes, it does.

17 Q. Now, another way I understand that
18 the public was accommodated or the other users were
19 accommodated was the discretion that the district
20 manager had; is that true?

21 A. Yes.

22 Q. All right. Perhaps you can describe
23 what discretion the -- you had as district manager
24 during your tenure to deal with the social and economic
25 effects?

1 A. As district manager we could
2 influence, I think, the direction of the planning
3 process, we could influence a number of decisions that
4 were made.

5 Certainly the objective and result had to
6 be, wood had to come off that area that was being
7 planned for at time. There was never any discretion
8 about that, we had to meet those requirements.

9 But where the wood came from, which
10 stands were to be harvested in what order, the district
11 manager and his staff certainly made -- had input into
12 that. In other words, you could direct operations into
13 a certain area, speed them up, slow them down to allow
14 other interests to accommodate the changes and
15 whatever.

16 Q. Okay.

17 MR. MARTEL: Could I ask a question at
18 that point, I don't like to interfere.

19 But are you saying to us that wood was
20 the issue and it had to come off in the planning
21 process regardless of where it came from, the input by
22 the public was such that it would not influence the
23 quantities of wood that might be taken?

24 THE WITNESS: That's right. That unit
25 was set up to produce wood and it had to come off of

1 there from someplace.

2 MR. MARTEL: Then the planning process
3 was one of accommodating the quantity of wood primarily
4 and everything else is secondary?

5 THE WITNESS: That's what it was set up
6 to do, is produce wood.

7 MR. TOBIN: The member has just
8 anticipated my next question.

9 MR. MARTEL: Sorry.

10 MR. TOBIN: Q. That's fine. When you
11 talked about the district manager had influence, how
12 did the public have influence, how did the public have
13 influence on the district manager so that their
14 concerns for social and economic issues were dealt
15 with?

16 A. The public's avenue was, again,
17 through the formal open house opportunities to view the
18 plan or the proposals and to comment on them and then,
19 in the course of the day-to-day activities, I guess, of
20 the district manager and his staff, you were always
21 running into different people who would give you
22 opinions or views or comments on what they thought
23 should or should not be happening.

24 So there was the formal process and then
25 the daily interaction of the people.

1 Q. How did you deal with the social and
2 economic effects when it had long-term implications,
3 because if you're dealing with an open house on a
4 day-to-day basis what, if any, consideration was given,
5 what your decisions would mean for 10 years or 20
6 years?

7 A. There was never -- there was no
8 formal way, no clear way of measuring. You could
9 determine rather easily, I guess, the value of the wood
10 at the mill or in the area.

11 We couldn't -- we didn't have a specific
12 way of measuring the impact or the value that it had
13 on, say, a tourist operation for example, we had to
14 take their figures and we could do some very gross
15 calculations, so many people, so many dollars, but to
16 actually analyse it, we couldn't do.

17 Q. Okay. Why couldn't you do it,
18 because it was not your mandate, or you didn't have the
19 facilitates?

20 A. It wasn't our mandate or we didn't
21 have the skills or the knowledge or the staff to do it.

22 Q. Okay. I believe an Example 6 you've
23 talked a little bit about long-term plans as they
24 related to the Woodland Caribou Wilderness Park. -

25 A. Mm-hmm.

1 Q. Perhaps you can explain how you, when
2 you were the district manager, dealt with long-term
3 plans by way of that example.

4 A. That example was put in there for a
5 number of reasons, but it was to emphasize the impact
6 that a district manager, for example, could have on the
7 planning process and also the benefits, I guess, if you
8 will or the disbenefits it could be of continuity and
9 having staff in a district over a considerable period
10 of time.

11 And several years ago now the district,
12 region Ministry went through a very detailed planning
13 process for Woodland Caribou Park and I think it was a
14 very innovative period.

15 It was -- we hear a lot now about
16 stakeholders committees and we hear a lot about
17 co-management committees. At that point there was
18 people brought together in Thunder Bay and Dryden
19 representing all the different interests, competing
20 interests for the park and they sat down --

21 Q. Just before you go, perhaps you could
22 put a time frame on that. When did this all happen?

23 A. Early 80s.

24 Q. Sorry.

25 A. Early 80s. But anyway it was a

1 very -- it was a lengthy process and I think a very
2 good process because it hammered out an agreement or at
3 least an acceptance amongst the various users of how
4 that park was going to be managed and including how it
5 was going to be accessed.

6 And I was very conscious of this in all
7 of the -- although this plan was never released to the
8 public, it was completed but never released, and
9 although the plan wasn't released I was very conscious
10 of what had been said in it and I think that -- well, I
11 know that that guided some of my decisions, some of my
12 thinking, and in the context of where this comment was
13 made in the last plan for the Red Lake Crown 20-year
14 projection for roads, did show road access which would
15 have impacts on the park - they may be good or bad, I'm
16 not saying which - but they were shown and they were
17 shown, and I don't think the public would have been
18 able to relate the two or would have the opportunity to
19 say: Now, let's look at this from the context of the
20 park and examine it.

21 So I'm saying the district manager has
22 influence and could or could not allow those things to
23 appear.

24 MR. MARTEL: Why was that report never
25 released?

1 THE WITNESS: It was a political
2 decision.

3 MR. MARTEL: Can you be a little more
4 explicit?

5 THE WITNESS: It was turned over to
6 the -- I turned it over to my boss and he turned it
7 over to somebody else and it was never given the
8 authority to be released to the public.

9 MR. MARTEL: What's the status of the
10 park now then?

11 THE WITNESS: When I left it was still a
12 park, but there was no public -- management plan in
13 place for the management of that park.

14 MR. TOBIN: Q. Sir, is there any process
15 that makes the district manager consider social or
16 economic concerns?

17 A. Not that says that you have to but...

18 Q. And from your experiences, obviously
19 you believe that they are important?

20 A. I believe they're very important.

21 Q. And could you explain perhaps why
22 there should be something, or should there be something
23 that makes the district manager consider social and
24 economic issues?

25 A. Not so much make them consider them.

1 I think the district managers in the Ministry and his
2 staff would like to be able to make those decisions and
3 comparisons and would like to have information or a
4 process that they could follow or something they could
5 follow that they could assess the impacts of the
6 decision, but in the absence of them they go by how
7 they feel, how they think and, of course, they're
8 influenced by what people tell them.

9 Some people are very successful at making
10 their points and others are not quite so successful.

11 Q. I take it all of that is on an
12 informal basis, too?

13 A. Informal yes, there is no...

14 Q. Are there any other examples where
15 you in your capacity as district manager got to
16 exercise your discretion to make sure that social and
17 economic concerns were dealt with, particularly with
18 respect to road links?

19 A. Yes, there was. Again, it goes
20 back -- I believe it was around the end of 1979 or 1980
21 when, as a result of concerns expressed by the tourist
22 industry, we in the district established what we called
23 then buffer zones and they were one mile zones around
24 several major tourism lakes, lakes that the tourist
25 outfitters themselves had identified as being

1 particularly significant.

2 This was, to my knowledge, before there
3 was any official recognition of zones of concern or
4 areas of concern or whatever the reserves.

5 We established that one mile zone around
6 those lakes and in essence what it said is that any
7 activity within that one mile around the lake could
8 only take place after the full consultation of the
9 users, at that time primarily the tourist outfitters
10 and the timber companies and trappers and so on.

11 I think the staff who developed that and
12 the companies that were involved and the tourist
13 outfitters were very pleased with that and I think that
14 was a certainly a forerunner of the area of concern
15 that's now well recognized and used.

16 Q. Are there any policies while in your
17 role as district manager that helped you devise what
18 was the best use of the land base in your district for
19 sharing the resources amongst the various users?

20 Was there anything to help weight how
21 much timber or how much tourism, how much trapping and
22 that type of thing should be done?

23 A. Not as I understand your question,
24 no.

25 Q. Okay. So the forest was used for the

1 timber was used for what, the mills?

2 A. Primarily. It was there to be
3 harvested for the mills.

4 Q. Based on the number of years you have
5 been involved, can you make any suggestions as to what,
6 if any, formal process should be in place to have
7 social and economic concerns addressed in the planning
8 stage and in the plan?

9 A. I think there should be some
10 mechanism in place where the district manager could
11 weigh the different impacts and actually put some
12 numbers on it. Not necessarily dollar numbers, but
13 maybe the number of people employed or I guess the
14 social benefits of being able to go out and create an
15 area that hasn't been cut. Also recognizing that roads
16 provide a lot of social benefits also. You can't just
17 say bush is the only way.

18 But there should be a way that the
19 district manager can compare. He should have some --
20 if there was a target that he had to produce so many
21 tourist camps, for example, then he could relate that
22 to producing so many cunits of wood and evaluate the
23 different -- the impacts of it.

24 Q. Have you considered -- you talked
25 briefly about the idea of stakeholder committees. What

1 in your view would be the effect of stakeholders
2 committees in helping see that these economic and
3 social issues were dealt with?

4 A. Well, certainly stakeholder
5 committees would bring the various users together where
6 they would have to discuss, I guess, and negotiate
7 among themselves what they thought was the best use of
8 any particular area instead of -- in the past so many
9 times the Ministry staff have been the mediator, I
10 guess, between different users and competing users and
11 you find yourself running back and forth carrying
12 messages.

13 It is not a good system. The
14 stakeholders committees would bring the people together
15 so that they could in fact determine what they felt
16 would be best.

17 Q. What, if any, authority should a
18 stakeholders' committee in your view have when dealing
19 with the district manager?

20 A. Well, the more authority they have,
21 the more authority and more responsibility they have
22 for the decisions, I think the better decisions you are
23 going to get.

24 If all they are is an advisory group,
25 that advice may or may not be taken by the different

1 levels; the district manager, the regional director,
2 right up the line.

3 Q. Perhaps you can help me. What is the
4 difference I guess in terms of authority between the
5 district manager and the regional manager in terms of
6 the authority that they cover?

7 A. Well, district managers have the
8 authority to make decisions up to a certain level. In
9 the case of, say, a timber management plan, the
10 district manager cannot approve the five-year plan. It
11 has to go to the next level of authority, or they
12 couldn't when I was there. The district manager
13 approves the annual work schedule.

14 Q. What, if any, consideration from your
15 experience does the regional manager take of the local
16 social and economic concerns?

17 A. I think he is in a position to look
18 at the region, if you will, as opposed to the district
19 and he has to make decisions based on that. Certainly,
20 sometimes the decision has to be more in favour of an
21 area outside of the district; the broader good, the
22 public good.

23 Q. Okay. What, if any, representation
24 can the public make in this process from your
25 experience to the regional manager?

1 Let's say you are convinced that certain
2 social and economic concerns have to be dealt with but
3 you take it to the next level up and there is a problem
4 there. Who gets to convince the regional manager?

5 A. I guess those same people could
6 approach the regional director or they could keep going
7 up the line until they reach the minister.

8 Q. How would they find out what the
9 regional manager's thinking is?

10 A. Well, it would be transmitted. His
11 decision would be given back to the people.

12 Q. Before he made the decision, how, if
13 any, information could come back to the public on how
14 he or she was thinking?

15 A. I'm not sure I follow you. They
16 would be discussing it with the regional director
17 themselves and I suppose he would tell them what he
18 thought.

19 Q. Have you ever in your experience
20 found that you made suggestions regarding minimizing
21 social economic effects that unfortunately have been
22 overturned or said you can't deal with that by a higher
23 level?

24 A. Oh, yes.

25 Q. Can you give an example of that?

1 A. In some instances, again, we look at
2 roads where it was the district's recommendation that a
3 particular road be left open to the public and the
4 decision was to -- in that case was to close the road
5 to public traffic and that was based on the longer, I
6 guess, the broader picture than what I was aware of at
7 the time.

8 Q. Do you know the name of the project?

9 A. It was on the Canadian Pacific unit
10 and it was -- I forgot. Regrowth I think it was called
11 at the time.

12 Q. Do you have any recollection of this
13 happening with a road opening on Long Legged Lake?

14 A. Yes. That goes back quite a while
15 ago.

16 Q. How long ago?

17 A. Ten years anyway.

18 Q. Okay.

19 A. But, again, it was the district's
20 recommendation that a road not proceed in that
21 particular location, or at least not proceed until
22 after a lot more work had been done, but a decision was
23 made to proceed with the road.

24 Q. Did any of the people that made
25 representations to you and helped you make your social

1 and economic decision have an opportunity to make
2 representations up higher?

3 A. I presume that they had the
4 opportunity. I don't know how much advantage they took
5 of it.

6 Q. Okay. In that instance, how did they
7 have that opportunity? Did you suggest you go do this
8 or...

9 A. That's right, we told them that.
10 They were fully aware of the district's recommendation,
11 the district's position on it and when that decision
12 was overturned they knew the next step that they had to
13 take.

14 Q. Okay, thank you.

15 MR. TOBIN: Those are my questions.

16 MR. MARTEL: I have one more question I
17 would like to ask.

18 You said that you should give the
19 stakeholder committee some authority, was the word I
20 think you used, because an advisory committee -- or
21 advice may not be considered.

22 What sort of authority, power would you
23 give to the stakeholder committee?

24 THE WITNESS: First of all, they would
25 have to have some -- I guess, some resources, some

1 resources to do their own studies if they wanted to do
2 them or to get information that they felt they needed.
3 They would have to have some authority to go out and
4 buy this information, if that's the way to put it.

5 They would have to have some authority if
6 they, for example, made the decision to, let's say,
7 close a road, that was going to be the decision, they
8 would be responsible for their actions and have to
9 answer to the broad public.

10 If their decision was to allocate some
11 particular resource or a portion of the resource to a
12 particular user, it would have to go the way they
13 wanted it, not somebody coming and overturning it.

14 They couldn't work without some
15 direction. There had to be some -- the province still
16 has the responsibility to manage the resource. You
17 can't turn it over totally to the public, but certainly
18 some of the decision-making that's made by Ministry
19 staff at various levels could be given to these people.

20 MR. TOBIN: May I ask one further
21 question of this witness?

22 MADAM CHAIR: Go ahead, Mr. Tobin.

23 MR. TOBIN: Q. Referring back to your
24 statement, Mr. Everley, the very first page, the second
25 line, you talked about Red Lake being somewhat more

1 remote and unaccessed in comparison to other districts,
2 that many decisions have the possibility of setting
3 precedents with long-term social and management
4 development issues.

5 Can you expand on that? Can you tell us
6 what you mean by that?

7 A. We were very fortunate and still are
8 in Red Lake in that being, I guess, at the end of the
9 road a lot of the resources, particularly over the past
10 number of years, had not been accessed or exploited to
11 the degree that they had been in other districts and
12 there was some flexibility, a fair degree of
13 flexibility in how you could use the resources, how you
14 could access them and how you could develop them.

15 Instead of working from a kind of deficit
16 position you were working in many cases with a surplus
17 of particularly timber.

18 So it allowed the districts, the manager
19 and his staff to have little more freedom to make
20 decisions that were maybe based on more sound
21 management principles rather than the fact that you had
22 to feed a particular user.

23 I look at the buffer zones, we call them
24 that, around the tourism lakes as kind of an innovative
25 thing. I look at the Woodland Caribou Park planning

1 process as being a pretty innovative thing at the time.
2 It was one of the first times, to my knowledge, that
3 people were brought together because we had the time
4 and resources to do it.

5 Before we accessed part of the Red Lake
6 Crown, the last portion of the Red Lake Crown, there
7 was a notice put in the paper to invite people to come
8 in and tell us whether they thought in fact that
9 portion of the Crown unit should be accessed at all.
10 Although it was designated as a Crown unit for timber,
11 there was no access and we felt we had the luxury, I
12 guess, and the obligation to ask the people if they in
13 fact wanted that area accessed or not.

14 So we had a lot of freedom and I think a
15 lot of good innovative ideas came out of it.

16 MR. TOBIN: Thank you.

17 MADAM CHAIR: Mr. Tobin, is the plan
18 today that each witness will be cross-examined
19 separately or are you putting together a panel at the
20 end of your examination?

21 MR. TOBIN: I hadn't considered putting
22 together a panel for the purposes of cross-examining.
23 I am in the Board's hands.

24 I know that Mr. Everley has to leave. He
25 has to be somewhere else this afternoon.

1 MADAM CHAIR: Is the preference of the
2 parties that each witness be cross-examined in turn?

3 MR. FREIDIN: I certainly have no
4 objection. I think that Mr. Tobin should be permitted
5 if he thinks that is the best way to put in his case.
6 That's fine.

7 I understand from our discussion last
8 night that he is going to put up three witnesses
9 together, Mr. Gouriluk, Mr. Coppen and Mr. Carlson. So
10 he has thought about it and I certainly have no problem
11 doing it that way.

12 MR. COSMAN: I am certainly prepared,
13 Madam Chair, to proceed on that basis. It might be
14 more effective from the Board's perspective to have the
15 matters of this witness dealt with right now.

16 MADAM CHAIR: Do you want to go ahead
17 then, Mr. Cosman.

18 MR. COSMAN: Yes, thank you.
19 Excuse me. Being in the back row here I
20 don't have the same sight line, Mr. Everley.

21 CROSS-EXAMINATION BY MR. COSMAN:

22 Q. Mr. Everley, you were expressing to
23 the Board your concern about the lack of a formal
24 mechanism to weigh the socio-economic benefit of
25 activities.

1 You did say - I think I took it down
2 right and I want to make sure I did - that you and your
3 staff, you as district manager and your staff were
4 conscious of the impacts of timber management planning
5 on the economy, on the community and tried to be
6 sensitive to it.

7 So despite the fact that there was a lack
8 of formal mechanism, it didn't mean that you as
9 district manager disregarded socio-economic impacts; is
10 that fair?

11 A. That's right.

12 Q. And when you say that you as district
13 manager and your staff tried to be sensitive to it, how
14 did you try to be sensitive to it?

15 Did you try, for example, directing that
16 wood be taken from areas that had the least amount of
17 impacts on the tourist operations, that kind of thing?

18 A. That was one of the examples, yes.

19 Q. Okay. Are there other examples that
20 you can think of?

21 I suppose that would be a very important
22 example in this particular area?

23 A. In this area it was, but there was
24 also attempts to, I guess, stimulate local users or
25 local suppliers of wood to get them set up and

1 developed so that they could operate and contribute to
2 the area

3 Q. You considered as a district manager
4 that that was a positive thing?

5 A. Yes.

6 Q. Okay. Now, you referred to the
7 policy objective, sort of the overriding policy
8 objective of the government that you felt that you had
9 to meet which was to supply timber to the mill?

10 A. Yes.

11 Q. That was in the background. You will
12 agree with me, will you not, that supplying timber to
13 the mills and the mills in northern Ontario have in
14 themselves a very important socio-economic dimension?

15 A. Yes.

16 Q. If the wood doesn't get to the mills,
17 well it is pretty clear what happens; either the mills
18 have to cut back or the mills have to close and that
19 has impacts in itself?

20 A. That's true.

21 Q. So you are not saying that wood
22 should not get to the mills or the mills should be cut
23 back or closed, you are saying that - tell me if I am
24 right - that you are saying that you must weigh the
25 impacts of local decisions in a larger perspective so

1 that such decisions as where wood is coming from will
2 have the most benefit to the community, both in
3 supplying the mills and in fostering and encouraging
4 local tourism, for example?

5 A. Certainly the value of the mill, the
6 economic value of the mill is recognized, but I don't
7 think anyone has compared the value of that mill to the
8 value of the tourist industry that it's affecting and
9 it might very well be that there would be more benefits
10 achieved by fostering the tourism industry and letting
11 the mill close.

12 Q. So if someone does come forward with
13 a socio-economic study that shows that the economy of
14 the north would be better off by closing the mills and
15 encouraging the tourist industry, then that would be
16 something that would have to be considered in making
17 decisions?

18 A. I'm saying not necessarily closing
19 the mills, but the wood that is coming from a
20 particular area, someone may decide that there is a
21 better use of that area than growing wood for that
22 mill.

23 Q. As district manager here up to
24 February 1990, as I understand it, you didn't have that
25 kind of information to allow you to make that kind of

1 decision?

2 A. No.

3 Q. Do you have that today?

4 A. Not that I'm aware of.

5 Q. Okay.

6 MR. MARTEL: Can I ask a question, Mr.

7 Cosman?

8 MR. COSMAN: Certainly.

9 MR. MARTEL: I will tell what is
10 bothering me.

11 We looked at a map yesterday presented by
12 one of the witnesses and his concern -- in fact he was
13 speaking about what was going to happen to him in the
14 future where someone wanted to run a road, an access
15 road between I think seven small walleye lakes. His
16 concern was for his investment and should he proceed
17 even though the present plan doesn't envisage cutting
18 in that specific area.

19 The fact that those seven lakes were so
20 close together, are you suggesting what we need is a
21 tool to find out the economic value of the amount of
22 wood that's in that specific area and then weigh that
23 against what should be done in terms of where one would
24 get the amount of fiber necessary to supply the mill?

25 In other words, if one could put a value

1 on the wood in that particular area or the tools to do
2 it, one might say: Well, we won't put access where we
3 are only talking about maybe a half a mile area on
4 either side of the road and then you are into the
5 woods -- or into the lakes.

6 You have no tool to measure those two
7 sets of variables; the value of the fisheries as
8 opposed to the value of the wood there and the final
9 disposition rests somewhere based on those set of
10 values?

11 THE WITNESS: Not that I'm aware. There
12 is no way of really measuring it.

13 MR. COSMAN: Q. Mr. Everley, I think we
14 can all agree that the welfare of the local community
15 must be taken into account in making decisions, and
16 that was a very important point in your evidence?

17 A. Yes.

18 Q. In making that point you are not
19 saying, are you, that local decisions must be made with
20 disregard for impacts on neighbouring communities or
21 the province as a whole?

22 A. No.

23 Q. It is a question of weight and
24 balance?

25 A. That's right.

1 Q. If I may take another industry for
2 example - I don't know if you are familiar with it -
3 the aggregate industry which was another natural
4 resource industry, it was a common experience in the
5 Province of Ontario that no one wanted a pit or quarry
6 in their backyard.

7 So local municipalities were passing
8 official plans and by-laws saying there should be no
9 quarrying in that particular municipality because the
10 majority of citizens in the municipality didn't want
11 it, but the province as a whole said: Wait a minute,
12 that's an important resource, the local municipalities
13 can't tie it up by making that kind of total local
14 oriented decision.

15 Would you agree with that as a general
16 policy direction?

17 A. In a general sense, yes.

18 Q. So that no local community -- and I
19 think you said this in your evidence, that although the
20 local communities is important, even as district
21 manager you understand and accept the process where the
22 regional director steps in and sometimes the welfare of
23 the region or the welfare of the economy as a whole or
24 the province as a whole does take precedence?

25 A. That process is all right providing

1 the regional director or whoever the next level of
2 authority is makes his decision after he has consulted
3 with and discussed with and examined the situation with
4 the people in the local community.

5 In some cases those decisions, not
6 necessarily in the case of the Ministry of Natural
7 Resource, but those decisions have been made
8 arbitrarily without consultation with the local people.

9 Q. So you would support a process
10 whereby the voice of the local community is better
11 heard not only at the district level, but even at the
12 regional level?

13 A. Whatever the next level might be.

14 Q. All right. In respect of a question
15 from Mr. Martel on that point in terms of the amount of
16 authority you would give to a local stakeholders'
17 committee, you would like more authority, but in the
18 end you would accept that there must be an entity
19 representing the people of Ontario that had the
20 ultimate decision-making authority that has to be
21 exercised with the greater public good in mind?

22 A. Yes.

23 MR. COSMAN: Thank you very much.

24 MADAM CHAIR: Ms. Seaborn, do you have
25 any questions for this witness?

1 MS. SEABORN: Just a couple of questions.

2 Thank you, Madam Chair.

3 Mr. Everley, my name is Jan Seaborn. I
4 am acting for the Ministry of the Environment.

5 CROSS-EXAMINATION BY MS. SEABORN:

6 Q. I want to ask you a question in
7 relation to your evidence on roads. In your witness
8 statement you said that road closing or road removal is
9 not socially acceptable, and I understand that you
10 indicated that once a road has been in use by the
11 general public, as a district manager it is very
12 difficult to close that road. Is that a fair summary?

13 A. Yes, it is.

14 Q. Would you support a proposal in
15 relation to road planning that required at the outset
16 of the planning process a consideration of an
17 alternative that would not restrict access to the
18 general public?

19 What I mean by that is, when you are
20 considering alternatives in relation to road corridors,
21 you would always consider one alternative that would at
22 the end of the day never be a closed road so that you
23 would not get into the situation of having to balance
24 these interests?

25 A. I'm not sure I understand what you

1 are saying. No, I don't.

2 Q. In terms of road planning when you
3 look at alternatives, one of the suggestions that we
4 have seen in the different parties' terms and
5 conditions is the suggestion where at the outset of the
6 planning process it would be taken as a given in
7 looking at one corridor that that road would never be
8 closed so that you would not have to face the decision,
9 say, five, ten years down the road of restricting
10 access and would you support in looking at alternatives
11 that sort of a consideration?

12 A. Well, no, if I understand your
13 question, because any road proposal that's put forward,
14 first of all, does have to have a prescription as to
15 what kind of road it is going to be, all-weather,
16 tertiary road or whatever, whether it will be closed or
17 closed for certain times of the year. That's all
18 decided.

19 It's not so much the road, it's the area
20 you are going into. If I understand you, you may have
21 three or four proposal options as to how to access that
22 particular area, but each one of them would end up in
23 the same general place so you couldn't have one road
24 corridor, for example, that you would want closed but
25 leave the other ones open.

1 I would say they would all be looked at
2 from the same point of view. It's where you want to
3 get to that is going to have the effect, it doesn't
4 matter which corridor you use.

5 Q. Okay. In the context of where you
6 want to get to then, at the outset of the planning
7 process you would have to make sure that you had input
8 from all the interested parties, the timber companies,
9 the tourist outfitters in order to determine whether or
10 not you want to access that area in the first instance.

11 A. That's right.

12 Q. Thank you.

13 MS. SEABORN: Thank you, Madam Chair.

14 MADAM CHAIR: Mr. Freidin?

15 MR. FREIDIN: Yes.

16 CROSS-EXAMINATION BY MR. FREIDIN:

17 Q. Mr. Everley, my understanding is that
18 the timber management planning process is one which is
19 designed to in fact plan for the harvest and the
20 renewal of the timber resource and is also designed to
21 ensure that when that is actually happening out there
22 in the bush that non-timber values are considered and
23 efforts are made not to adversely affect them.

24 Is that a fair -- do you agree with that?

25 A. Yes.

1 Q. Mr. Martel asked you a question and
2 he said -- he asked you: Does the wood come first and
3 the other values come second, and your response was
4 that the plan was set up to produce wood.

5 Am I correct that what you mean by that
6 is the plan was set up to produce wood because it's a
7 timber management plan, but that doesn't mean that
8 you're out there to produce wood and disregard the
9 other values?

10 A. Well, no, certainly not, we certainly
11 are recognizing the other values.

12 Q. Right. And so if I put the
13 question -- if Mr. Martel was talking about fisheries
14 management plans, you might say that the production of
15 fish came first but the other values came second, if
16 you're talking about fisheries management plans?

17 In other words, production of timber
18 doesn't come first in a fisheries management plan; does
19 it?

20 A. No.

21 Q. All right. So when we're talking
22 about a fisheries management plan, which we have in all
23 the districts, you would say that the production of
24 fish and the production of fishing opportunities comes
25 first and the consideration of other values comes

1 second, using the terminology that Mr. Martel used?

2 A. Well, the intent of the plan is to
3 develop fishing opportunities, yes.

4 Q. Thank you. You were asked about the
5 best use of the land base and whether there is any
6 guidance regarding this.

7 Mr. Tobin asked you: Is there anything
8 to help you weigh how much timber that you might cut
9 and that sort of thing.

10 Now, we know that in this particular
11 district that there is no approved district land use
12 guideline, for example, we have heard evidence that in
13 the preparation of the timber management plan the draft
14 of the West Patricia Land Use Guidelines is considered?

15 A. It has been considered, yes.

16 Q. Right. And am I correct that that
17 document and, more particularly, district land use
18 guidelines which are in existence in other districts do
19 in fact address what sorts of uses should occur in what
20 particular geographical areas of the district?

21 A. In a very broad sense, yes, they do.

22 Q. All right. In relation to the issue
23 of stakeholders committees, you indicated that the
24 province can't turn over completely to the public its
25 decision-making authority.

1 Would you agree that if one wanted to
2 further this granting of perhaps more decision-making
3 power to the public that exactly how that should be
4 done in a final form would best be addressed through
5 pilot projects to try different ways of doing it in
6 different places?

7 A. I suppose it could be done that way.
8 There are a number of these committees functioning in
9 different parts of the province and Canada and North
10 America, and I think the Ministry, even when I was
11 there, was looking at some of these other setups that
12 were in place and examining them.

13 Q. And finally, in relation to the
14 amount of power that should perhaps be given to
15 stakeholders committees or the members of the public on
16 those committees, you made the comment, using road
17 closures as an example, you said:

18 "If they made that kind of decision they
19 would have to be responsible to the
20 public and answer for their decisions."

21 What mechanisms do you see that can be
22 put into place to make them responsible to the public,
23 how would they have to answer to the public?

24 I mean, if you make a bad decision,
25 you're the MNR, you're responsible, you might get

1 canned, somebody may come down on you from -- you know,
2 one of your superiors.

3 How do you make members of the public or
4 on the stakeholders committee that are going to get
5 this power accountable to the public?

6 A. In that example, if it was the
7 stakeholders committee that made a decision that that
8 particular road into an area was going to be closed, I
9 think it would be very clear to the public, all public,
10 who has made that decision and if they've got any beefs
11 with it, take it to them. And that's the
12 responsibility, they're responsible to the public and
13 they're accountable and they have to stand up in front
14 of people and justify their actions.

15 MR. FREIDIN: I think I'll leave it to
16 that.

17 Those are my questions, Madam Chair.

18 MADAM CHAIR: Thank you, Mr. Freidin.

19 I would like to follow up on Mr.
20 Freidin's last question, Mr. Everley.

21 Nothing that we have seen in the terms
22 and conditions or in the discussion about membership on
23 the stakeholders committee suggests that in any way the
24 members of that committee would be accountable or
25 responsible for advice or decisions, nothing prevents

1 them from leaving the committee, there's nothing that
2 we see in place that requires them to answer to the
3 public. •

4 THE WITNESS: Mm-hmm.

5 MADAM CHAIR: And I say this because we
6 have also received evidence from a witness who was
7 brought up from the U.S. Forest Service and we
8 questioned that individual about what they did in the
9 United States with respect to members of the public
10 sitting on advisory committees or decision-making
11 bodies.

12 And his reaction to that was: Well,
13 first of all, we wouldn't do that because there are so
14 many different interest groups we wouldn't be able to
15 get full representation and we could never put together
16 a stakeholders committee that reflected the interests
17 of any one community.

18 And I'm just wondering in a situation
19 such as Red Lake, do you believe in fact you could put
20 together a citizens advisory group or a stakeholders
21 group that would represent the variety of public
22 opinions you would have in Red Lake, and once you did
23 that, how would you get those people to live up to the
24 responsibility of whatever they might decide?

25 THE WITNESS: First of all, I think you

1 could get certainly the majority of interests involved,
2 representative on the -- on a committee such as this.
3 I don't know whether you would ever get everybody
4 satisfied. I mean, there is always somebody with a
5 view that thinks they should be heard and, at some
6 point, I guess the group would have to say: Look,
7 we've got enough people on here that represent enough
8 different interests that everybody's concerns will
9 heard through the different representation.

10 So I don't think that is impossible.
11 It's going to take some thought, some preparation, and
12 the committee themselves are going to have to be open
13 to some suggestions to make sure that they consider all
14 the different competing users and make sure they're
15 represented in some way or other, avenues are there for
16 them for representation.

17 You had another -- second part to that
18 question.

19 MADAM CHAIR: I think your commented
20 earlier that you would have to make the committee
21 members live up to their responsibility. Would you
22 think in a community such as Red Lake, which is a
23 smaller community and with a focus on the forest
24 industry and tourism, that the committee would receive
25 sufficient scrutiny that they would be seen as being

1 accountable for their decisions? I don't know if that
2 same perception would apply to a larger community.

3 THE WITNESS: Well, I think it would, and
4 it would take a lot of people who sat on that
5 committee, it would take a lot of backbone, a lot of
6 guts I guess to sit on it, if they had some
7 decision-making, because they would have to stand up to
8 the community.

9 But people are demanding more and more
10 and they can't hide behind the various government
11 ministries, in this case MNR, when the final decision
12 comes say: Well, that is MNR's decision. You can't do
13 that any more.

14 If they want a particular lake - for
15 example, if you're talking about a stakeholders
16 committee on Trout Lake resource co-management
17 committee - if they want a committee that's going to
18 have authority, they're going to have to be accountable
19 for what they decide in the community and they can't
20 hide behind the MNR to say: Ah, well, that's -- they
21 made the decision, they do what they want anyway.

22 They're going to be living in the
23 community and I guess their boats are going to be
24 parked on the lake. If people aren't happy with the
25 decision, maybe there will be an axe through it, and

1 they have to accept that, the same as MNR's trucks get
2 banged up sometimes because people don't like what they
3 do.

4 So there's a long ways to go. It's fine
5 for the people to say they want to be involved in the
6 stakeholders committee and they want to have a say, but
7 they can't duck out when the crunch comes and say: I
8 made that decision, I'm accountable for it.

9 MADAM CHAIR: Thank you, Mr. Everley.

10 MR. FREIDIN: Madam Chair, may I just ask
11 a follow-up question from that.

12 MADAM CHAIR: All right.

13 MR. FREIDIN: And that is, if you've have
14 got a stakeholders committee -- it's the Ministry of
15 Natural Resources that makes the ultimate decision and
16 if the public doesn't like it, the planning process
17 that is being put forward has an appeal mechanism
18 whereby you can take it to various levels and you can
19 end up basically going to the Ministry of the
20 Environment and saying: We don't think this decision
21 is a good one for the environment generally.

22 If you have a stakeholders committee who
23 are going to be having to make these tough decisions
24 and somebody doesn't like it, what's their avenue of
25 appeal going to be, or will they have one?

1 THE WITNESS: I don't know. I think
2 there's too many levels of appeal and people can drag
3 things on for ever and if it's -- again, depending on
4 the issue, if it's an issue that's primarily affecting
5 the local community, the local issue, there shouldn't
6 be any appeal.

7 That's what we in the community want,
8 that's what the decision made -- the stakeholders made
9 that -- the stakeholders committee made that decision
10 they were appointed or elected, or however they got on
11 it, and they're accountable to those people and they
12 shouldn't have avenues if you don't like what I say,
13 I'm going to go run off and talk to somebody else.

14 MR. FREIDIN: Thank you for that opinion.

15 Thank you very much, Madam Chair.

16 MADAM CHAIR: Thank you, Mr. Tobin. Oh,
17 pardon me, would you like to --

18 MR. TOBIN: No, no re-direct.

19 MADAM CHAIR: Re-examine the witness?

20 MR. TOBIN: Not for me, no thank you.

21 That's the evidence of this witness.

22 If I may call now --

23 MADAM CHAIR: Thank you very much, Mr.
24 Everley.

25 MR. TOBIN: Judith Skidmore, please.

1 JUDITH SKIDMORE, Sworn

2 MADAM CHAIR: The Board will take a break
3 now for 20 minutes and we will come back to hear the
4 evidence of Judith Skidmore.

5 ---Recess at 9:50 a.m.

6 ---On resuming at 10:10 a.m.

7 MADAM CHAIR: Mr. Tobin?

8 MR. TOBIN: Thank you.

9 MADAM CHAIR: We will begin now with the
10 evidence of Judith Skidmore, and Ms. Skidmore was sworn
11 in just before we went on break.

12 DIRECT EXAMINATION BY MR. TOBIN:

13 Q. Ms. Skidmore, where do you live?

14 A. In North Bay.

15 Q. What is your education?

16 A. I have completed a Bachelor of
17 Science degree from Trent University, supplemented with
18 course work to a masters, within the masters level at
19 Memorial University.

20 Q. In what subject?

21 A. Ice engineering, physics, marketing,
22 various...

23 Q. What is your current employment?

24 A. My current employment is with HESCO
25 Resources who contracts to management of the Northern

1 Community Advocates Group.

2 Q. And what is it doing now?

3 A. In the past three years I've been
4 working with the Northern Community Advocates for
5 Resource Equity in promoting their mandate of multiple
6 use on Crown lands and waters in northern Ontario and
7 northern Ontario awareness.

8 It's a group that has interests in
9 northern Ontario from Quebec to the Manitoba border.

10 Q. What past employment have you had
11 dealing in this area or these areas?

12 A. The most relevant employment that I
13 have had was with Newfoundland and Labrador Hydro as a
14 senior ecologist between 1977 and 1985 where I was
15 responsible, first of all, for drafting the Lower
16 churchill Environmental Assessment and reviewing
17 their -- being in charge of all of the research and
18 projects that were undertaken for the assessment of
19 that Lower Churchill project.

20 Subsequent to that, responsible for the
21 conditions -- environmental conditions for the
22 construction of four major hydro electric projects in
23 Newfoundland, the thermogeneration, particularly air
24 pollution, and the diesel storage of the generation for
25 the Labrador coast, also, the environmental effects of

1 the Lower Churchill -- of the Upper Churchill project,
2 Churchill Falls, which is the largest hydro electric
3 project in the world including PCBs, fish studies,
4 caribou studies and the soil stability, all of the
5 things associated with hydro electric generation.

6 Prior to that I was the co-author of two
7 books, that was in the 70s; one of them on hydrogeology
8 and hydrogeomorphology and hydrocarbons, and I
9 subsequently had a number of published papers through
10 various organizations, Canadian Pulp and Paper
11 Association, Canadian Electrical Association,
12 associated with environmental effects for northern
13 Canada.

14 Q. In the past three years that you've
15 been working in your current employment, have you had
16 occasion to deal with the Ministry of Natural Resources
17 on issues relating to the environmental -- I'm sorry,
18 the social and economic effects of their work?

19 A. Well, I guess the largest issue that
20 I have been involved with through the Northcare
21 directorship has been the Temagami issue, the
22 Temagami -- the land of the Temagami debate.

23 That certainly was a significant direct
24 involvement with the Ministry of Natural Resources at
25 all levels from the local level through to the

1 Ministerial level.

2 Q. In your dealings with the Ministry,
3 what did you understand the Ministry's mandate to be
4 when you were dealing with them and they with you?

5 A. That clarified I guess, or that's
6 something that we tried to determine in the whole
7 process of looking at the Temagami issue, and I guess
8 there was a sense at the beginning in the Temagami
9 issue that we weren't quite sure.

10 We undertook to find out, and one of the
11 first places that it was fairly clear was in the
12 Ministry telephone book which outlines the mandate,
13 which is the -- for the social and economic benefit.
14 I've got a copy of it here. Do you want me to read it,
15 1988?

16 MR. TOBIN: Madam Chair, this is one of
17 the bits of evidence, I don't know how contentious it
18 is, I provided copies for my friends.

19 What it contains is an extract from the
20 phone book that gives a brief outline of what the
21 Ministry's mandate are.

22 MADAM CHAIR: I can't imagine parties
23 have any objections to this going in.

24 Go ahead, Mr. Tobin.

25 MR. FREIDIN: You're not the first party

1 to introduce a section of the phone book.

2 MR. TOBIN: To the Board or to your --

3 MADAM CHAIR: Yes, thank you, Mr. Tobin.

4 MR. TOBIN: (handed)

5 MADAM CHAIR: Thank you.

6 THE WITNESS: That was the most
7 accessible place that we found a succinct description
8 of the Ministry's mandate, at which time I contacted
9 the Deputy Minister of Natural Resources to confirm
10 with them in writing that it was in fact an accurate
11 description of the Ministry's mandate.

12 MR. TOBIN: Q. And dealing with that
13 description, perhaps the first one --

14 MADAM CHAIR: We will make this an
15 exhibit, Mr. Tobin.

16 MR. TOBIN: Yes.

17 MADAM CHAIR: It will be Exhibit 1823,
18 and it consists of a two-page except from the Ministry
19 of Natural Resources phone book, pages 558 --

20 MR. FREIDIN: Province of Ontario
21 Government phone book.

22 THE WITNESS: Yes.

23 MADAM CHAIR: Thank you, Mr. Freidin

24 ---EXHIBIT NO. 1823: Two-page excerpt from Province of
25 Ontario Government phone book.

1 MR. TOBIN: Q. Dealing with the page,
2 Ministry of Natural Resources in the upper right-hand
3 corner, what did you discover about the Ministry's
4 mandate as it relates to social and economic matters?

5 A. Well, it's quite clear that the
6 mandate, and it says:

7 "The continous economic and social
8 benefit of the people of Ontario..."

9 And so it was quite clear that there was
10 some responsibility for the Ministry to consider the
11 social and economic benefits, and I guess at that time
12 they were particularly interested in the region of the
13 Temagami Forest.

14 Q. Do you know what year that's from?

15 A. 1988.

16 Q. And the next one where it has
17 Ministry of Natural Resources on the upper lefthand
18 corner, I take it, that's a repeat of what was there
19 the year before?

20 A. That's right.

21 Q. Okay. What year is this one at page
22 558?

23 A. 1990 and '91.

24 Q. That's the current one; is it?

25 A. No, I think there's one subsequent to

1 this. They change pretty readily, but we haven't found
2 any significant difference in the description.

3 Q. Okay. Now, in your dealings with the
4 Ministry of Natural Resources as it relates to social
5 and economic matters, what has been your experience on
6 how the Ministry has handled those issues, and perhaps
7 you could give an example?

8 A. Well, again, the clearest example
9 that, and the largest example we worked with is the
10 Temagami issue, and we found that the information that
11 was put together didn't reflect the community's
12 concerns or the community's employment or the
13 community's long-term benefit.

14 We looked for studies and there was a
15 study done in 1987 - I did have a copy of it - 1987,
16 that was commissioned by the Ministry of Natural
17 Resources, Coopers & Lybrand, which reviewed the forest
18 industry versus the tourist industry. There were no
19 real conclusive information in that report and it
20 hasn't really been referenced anywhere in the issue.

21 We undertook ourselves to try and put
22 together something more comprehensive. There were no
23 employment figures in that for one issue or the other,
24 for one side of the debate or one part of the debate
25 which was different industries, the tourist industry

1 and the forest industry.

2 So what we did was we simply telephoned
3 around the employers in the region and put together our
4 own information, which was the one that has been the
5 most quoted. It took just a couple of days to put it
6 together.

7 We haven't been able to get a copy again
8 of that Coopers & Lybrand study. The Ministry hasn't
9 said that it is not released and we had one at the
10 time, but that the information in it was not -- was not
11 complete. Unfortunately, they didn't undertake another
12 one.

13 Q. When doing socio-economic studies,
14 you've indicated in your statement that it was flawed
15 in one respect. What would you expect to be in such a
16 study that would make it flawed?

17 A. Employment figures, employment
18 figures which would show the dependency of the region
19 on one sector and another, and that would be pretty
20 basic, you know, just how many people worked in the
21 different sectors.

22 Q. Okay. From your experiences are
23 impact studies a common paper commissioned by the
24 Ministry or uncommon?

25 A. Well, that was the only one that we

1 had. It was pretty clear in reading it that it was
2 something that we couldn't use, our own group, and as
3 well, there was a forest industry group locally as
4 well. It was quite clear that that was not useful to
5 us even for basic information.

6 I wrote the Minister at the time to try
7 and find out if any other studies had been done, not
8 only in the Temagami region, but for other areas across
9 Ontario, and did not -- well, I got a reply of three
10 studies that had been undertaken, but none of them were
11 termed socio and economic studies.

12 Q. What were they termed as?

13 A. There was a fisheries study, that was
14 I think the closest one, but there were no -- the
15 Minister could not find -- there was no record of any
16 socio or economic study having been done through the
17 Ministry, and the dates went back to early 80s.

18 Q. Okay. Have you had occasion to ask
19 representatives of the Ministry to do a socio-economic
20 study of the plans that they were going to undertake?

21 A. Well, that in itself, you know, we
22 confirmed with them that that was their mandate to
23 undertake that.

24 What we've been doing lately, and this is
25 as a result of discussions we've had with the Ministry

1 where we hope that in the future we can put together
2 something conclusive that we can put together some
3 information.

4 When the timber management plans are
5 prepared we input to those in a general sense, some of
6 them very specifically, but mostly we input in a
7 general sense some considerations of the community.

8 When those timber management plans then
9 are completed, we respond back to the district manager
10 asking for some indication of the social and economic
11 impact of that plan: Do they -- what did it do, where
12 are the social and economic implications of the timber
13 management plan for that area.

14 I guess we got back and I guess that
15 that's where we refer to the copy of the letter that I
16 have there.

17 Q. At the third page of your witness
18 statement there's a letter dated 1991/4/13. Can you
19 explain what that letter is about and how it came to
20 your attention?

21 A. Well, that is one of a number of
22 similar letters. The first one I thought must be a
23 mistake, and then I thought the second one, I realized
24 that this was -- that they were form letters and that
25 was a prepared response back from the regional

1 managers, and it was more than one region that we had a
2 response back saying that:

3 "The timber management plans are not
4 intended to serve socio-economic
5 assessments of all forestry activities as
6 on this management unit."

7 Q. I take it that the large writing at
8 the bottom of the page didn't come from the Ministry?

9 A. No. Oh, that's something that I've
10 added to indicate --

11 Q. Okay. Now, just for the sake of
12 clarity, what did you write the Ministry in order to
13 get this response, what were you looking for?

14 A. Well, I knew we weren't going to get
15 back something that outlined, you know, there were this
16 many jobs or this much value or this much trapping has
17 taken effect or that there are this many -- you know, I
18 knew it wasn't going to be specific, but in previous
19 conversations we had been told that socio-economics
20 were in fact considered, so that there would be some
21 consideration, there would be some response, and it
22 would probably vary with every district or every
23 manager or every even unit forester who might respond.

24 So we were really pretty well prepared to
25 get anything back but we really weren't prepared when

1 we got back a response saying that there was basically
2 no relationship between the timber management plan and
3 socio-economics.

4 Then I guess the question was: Well, is
5 there a different plan? Because perhaps, you know,
6 it's not the TMP, but it can't be a parks plan, they
7 can't be what reflects the socio-economics of the
8 region. So I'm not aware of any other Ministry process
9 where socio-economics would be more relevant.

10 Q. Okay. Now, you mentioned that this
11 was a form letter that you got. Did you have occasion
12 to write again and get another letter?

13 A. Well, when I've had time I've called
14 back to whoever signed the letter and talked to them
15 about why we requested this and that we would use
16 information that we received to try and put together,
17 you know, something for the Ministry in the future.

18 And there have been some follow-ups from
19 that that there have been some information, but I have
20 another copy of a letter that I just received, they're
21 still coming from the Ministry saying -- with the same
22 form letter.

23 MR. TOBIN: This is - if I may interrupt
24 for a moment - another letter I've just received. I
25 didn't know about this until recently. I have shown it

1 to my friend. Again, very similar wording to what's
2 already in there.

3 The Board will accept that. I appreciate
4 that being an exhibit.

5 MADAM CHAIR: Any objections to this
6 exhibit?

7 (no response)

8 None. Okay, this will be Exhibit 1824.

9 MR. TOBIN: Thank you. (handed)

10 MADAM CHAIR: Thank you. It's a one-page
11 letter to Judith Skidmore from the Ministry of Natural
12 Resources and it's dated March 12th, 1991.

13 ---EXHIBIT NO. 1824: Letter dated March 12, 1991 from
14 MNR to Judith Skidmore.

15 MR. TOBIN: Q. Now, given your
16 experience, the question of road opening and road
17 closing policies, is that something that you've had
18 occasion to deal with the Ministry?

19 A. The famous Red Squirrel Road
20 extension where it became I guess close to, you might
21 even, I guess a philosophical battleground, I mean,
22 whether the road would be opened or closed and there
23 was -- you know, it was a significant expenditure. We
24 don't have any real numbers, but we know that it was in
25 millions of dollars in actually building the road and

1 there were announcements that it would be open and then
2 that finally it was closed.

3 Q. Just perhaps you can describe the
4 process of your involvement in the process of how that
5 happened; what, if any, concerns there were taken into
6 account for social and economic effects?

7 A. Well, it was a pretty long process
8 and it got so convoluted that sometimes you couldn't
9 even follow whether the road was going to be closed or
10 whether it was going to be open, and people knew, there
11 were announcements it was going to be open, but
12 everybody really expected that it was going to be
13 closed given the height of the concern and the
14 differences from different regions.

15 Q. Was it a formal process that you
16 could know at the beginning exactly what steps were
17 going to be taken?

18 A. No, it was definitely a political
19 process.

20 Q. Okay. And what, if any, input was
21 there in respect of social and economic concerns in
22 that?

23 A. The only social and economic input
24 that we could see was that 1987 Coopers & Lybrand which
25 we had a copy of but is not a public document.

1 Q. What did you do with the study that
2 you did on that, the report that you had made and
3 referred to in your plan?

4 A. We put together a small document of
5 the region and indicated the number of jobs that -- for
6 the community.

7 Q. What did you do with that document;
8 did you give it to the Ministry?

9 A. Oh yes, it was circulated to all
10 Cabinet -- all members of Parliament -- provincial
11 Parliament at that time.

12 Q. Okay. Do you have any information as
13 to what effect that document had on the process or the
14 decisions that were made?

15 A. No, it was -- that was a difficult
16 situation because even though I think the number that
17 we had calculated was 1,962 jobs, when we had to take
18 that we were -- the main communication at that point
19 wasn't within the region at all, it had been the whole
20 issue had deferred to really Toronto, and then when you
21 take that number of jobs, it didn't really seem to be
22 significant despite the fact the communities we were
23 talking about, some of the communities - I mean, it's a
24 large region, there was 20-, 25,000 people in that
25 whole region - and there are, you know, trucking jobs

1 that come in and people who come into the region,
2 particularly to work there.

3 Some of the towns themselves, the Town of
4 Latchford in the region, there's only 350 people. So
5 that's pretty significant to smaller towns, but when
6 you take that 2,000 or so jobs to Toronto to discuss it
7 there, it just didn't seem to make much of an impact.

8 Q. Okay. Having said that and expressed
9 some of the problems that you've encountered, can you
10 help us with solutions to make sure that social and
11 economic concerns of these communities are taken into
12 account?

13 A. Maintaining significant
14 decision-making at the local level as far as possible
15 will definitely assist in large issues and small
16 issues.

17 There were hearings held in the Temagami
18 issue and it was clear that people could sit down at a
19 table together. Sometimes you didn't get everybody at
20 the table, but there still was a fairly high community
21 consensus, but that didn't seem to get plugged into the
22 system, to the whole decision-making process.

23 As soon as the influence level left the
24 region, you know, the solutions dissolved as well.

25 Q. Perhaps you can help me. You use the

1 word local, what extent do you mean by that?

2 A. The decision-making I think from the
3 community point of view is a district unit, an MNR unit
4 of some sort can pretty well serve as a delineation and
5 it is going to vary depending on the size of the issue.

6 For instance, you may have something
7 that's very easily located in a smaller district. In
8 this case there was some overlap between districts in
9 the Temagami issues, and there didn't seem to be too
10 much of a problem even within bringing a couple of
11 overlapping districts together, but it is when, in the
12 case that we saw, the decision-making process left all
13 of those districts completely.

14 The people who are working with these
15 kinds of issues understand the district, the Ministry's
16 bureaucratic levels too and they can relate to sort of
17 different district managers because they are used to
18 it.

19 Q. Okay. Can you help me --

20 MR. MARTEL: Can I ask a question. Was
21 there not in the Temagami area a decision --

22 THE WITNESS: I'm sorry, I didn't hear
23 the words...

24 MR. MARTEL: Was there not a decision, a
25 local decision by the various parties reached and at

1 the lsst moment it collapsed?

2 THE WITNESS: Well, in--

3 MR. MARTEL: In fact they thought they
4 had an agreement; didn't they?

5 THE WITNESS: --multiple use, yes. There
6 was room for everybody to maintain their interests in
7 that Temagami region.

8 MR. MARTEL: Then for some reason it
9 evaporated. What triggered that whole -- what they
10 thought what a concensus? Why did it just fall apart
11 at midnight?

12 THE WITNESS: There were meetings going
13 on in Toronto and we were even shown the room after
14 the -- I guess when some of the latest decisions had
15 been made.

16 I accompanied a group from the local area
17 to Queen's Park and they took us into a room near the
18 Premier's office and they said, this is where we have
19 been meeting with the environmental groups or with the
20 Toronto base groups for the last past three years. It
21 was the first time we had ever seen the room.

22 But I think that that point of influence
23 grew and grew in Toronto. It's obvious that that got a
24 lot stronger than the meetings that had been taking
25 place locally. Even though there were hearings

1 locally, they had been tallied by the president of
2 Laurentian University.

3 It was clear that there was well over 80
4 per cent - I believe it was 92 per cent - of all input
5 said that there could be a local multiple use decision.
6 That was in 1988, and yet the whole point of influence
7 slid out of the regions to Temagami.

8 I don't think there was an actual point
9 where you could say, this was it. There were things
10 like the parks policy which made a decision which had
11 no local input, so it shifted. The whole point of
12 decision-making shifted and the local people got pretty
13 frustrated.

14 Does that answer your question?

15 MR. MARTEL: Well, my understanding was
16 that it was so close that announcements were being made
17 in the media that an agreement was arrived at, but all
18 of a sudden some other meetings occurred and the whole
19 thing collapsed and all that was hoped for just
20 disintegrated in a matter of days, if not hours.

21 THE WITNESS: Well, it disintegrated from
22 the local communities' point of view, but there were
23 winners and the final map of the Temagami Forest pretty
24 well reflected the proposal that had been put to the
25 government by the wilderness groups based in Toronto in

1 1987.

2 MR. TOBIN: Q. Getting back to the
3 effect of the -- how these advisor groups can help.
4 Can you help as to what type of mandate perhaps these
5 groups should have been and what, if any, authority
6 they should have?

7 A. The local advisory groups or advisory
8 groups, council, et cetera --

9 Q. Stakeholders.

10 A. Stakeholder groups. There are a lot
11 of names for them, and there doesn't -- also a lot of
12 these groups exist. We don't have a clear list or
13 indication of just how many councils there are across
14 northern Ontario or under what auspices they sit.

15 We have asked for clarification on that
16 from who was the assistant deputy minister at the time,
17 it was about a year ago, and I got back a letter saying
18 that that was a very good question because we wanted to
19 see how one group could get input. They vary now from
20 fisheries groups, advisory groups, road advisory groups
21 and general advisory groups.

22 Q. What do you think would optimally
23 then allow local input into social and economic
24 matters? What mandate would help serve that?

25 A. These groups seem to be very ad hoc.

1 Q. No, I am talking about taking it a
2 step farther.

3 A. Well, that is what I am trying to get
4 to, is that I'm not sure that we can say definitely
5 right now that this formula will work.

6 Definitely, we have to have a group that
7 is as reflective as possible of a local community and I
8 think that that should include elected officials as far
9 as possible. That way you would get an advisory group
10 that represents and that's what we are after.

11 We are after a group that represents the
12 local community as well as possible so you are not
13 going to have major disagreements when decisions are
14 made. That's one of the first criteria.

15 The other one is that people who comment
16 have to be as aware as possible of the groundrules.
17 NORTHCARE has had -- or I've had associates who have
18 sat on a number of these advisory groups, and yet to be
19 begin with they just kind of come in and plunk down and
20 start writing to the issues without information
21 regarding the Public Lands Act. Absolutely essential
22 information for undertaking these decision, they don't
23 have that made available to them.

24 So they would have to have a
25 representation as close as possible to the local

1 community, they would have to have a lot of information
2 provided to them both in prior data and in terms of
3 them being able to get into the information themselves.

4 Q. Who would provide that information?

5 A. Well, in some cases, such as the
6 group that I am associated with, we provide now backup
7 information to people because it is not available to
8 them through -- and again, the people, my associates do
9 reflect a larger group. They are not simply
10 individuals who may have an interest, they do reflect a
11 very large interest.

12 We can provide that backup, but that's
13 exceptional. I don't see in most cases any other
14 option but the Ministry providing very substantial
15 database to them and training so that they can
16 undertake their decisions as well as possible and
17 that's just isn't the case right now.

18 We have had some business people go in -
19 I have a particular lady in mind - who they were asked
20 on one of these councils to come up with a plan,
21 straight in at the first meeting, come up with a plan
22 for this lake. She responded that they could come up
23 with all sorts of plans for this lake, but if it wasn't
24 going to be consistent with guidelines and regulations
25 that exist right now it will be flown out; nobody would

1 accept it.

2 So, first of all, they would have to
3 become aware of all of the regulations within that
4 region in order that they could best make their
5 decision and that seemed to be one of the most
6 successful groups. They were able then to understand
7 where they had to go.

8 Q. Are you suggesting that the Ministry
9 should be providing that training?

10 A. I don't see anywhere else right now
11 and it would be in their interest, too.

12 Q. Anything else, components of this
13 stakeholders' committee or advisory group that you
14 suggest from your experience, perhaps dealing with the
15 authority that they should have?

16 A. The authority has to be fairly
17 strong. Exactly to what point is difficult to say
18 because they wouldn't be able to overtake the
19 responsibility or the accountability of the district
20 managers, and I have had various, you know, discussions
21 back from the district managers that in some cases it
22 may be a bit of an escape route to let decisions be
23 made; in other cases, there is all of the background of
24 the district managers-themselves that has to be
25 recognized in these decision makings, but local

1 decision-making I think is the key.

2 Q. Okay. Dealing with questions raised
3 by the earlier witness, can you comment on to what
4 degree these committees should be accountable and to
5 whom?

6 A. I think there are some limits in law
7 to accountability and we have got to take those kinds
8 of things into account.

9 Q. Can you expand on that?

10 A. Well, for instance, directors of
11 organizations and when you become very highly
12 accountable you also have to have a limit to -- if
13 somebody is going to come and sue you or something like
14 that. There are all of those processes that would have
15 to be put in place.

16 Depending on the issue, that is something
17 that a representative committee is going to be able to
18 set before they undertake a decision and there is a
19 flexibility there because in some cases I think that
20 the group themselves is going to be able to say: We
21 will take responsibility for this decision, and in
22 other cases they are going to say no.

23 Q. Okay.

24 A. But they are going to have to be
25 allowed to have that -- to set those limits within

1 themselves.

2 Q. Are there any other facets of this
3 type of committee or stakeholders' committee in your
4 view that would be desirable?

5 A. I would agree with CASIT's terms and
6 conditions where they outline particularly the elected
7 representation on those committees.

8 Q. You mean in terms of the people that
9 are on it?

10 A. That they be as reflective of the
11 community as possible.

12 Q. In your statement, the second page,
13 the second to last paragraph, you have talked about:

14 "The Ministry must look to its mandate to
15 see what 'opportunities' are to be
16 provided for northern Ontario."

17 What is it that you mean by that and what
18 is not being done now?

19 A. You are referring to...

20 Q. The second last paragraph on page 2.
21 The paragraph starts with Constant constraint and
22 crisis..." If you look at the next sentence.

23 A. There has to be a process for making
24 decisions so that people can go through the process.

25 When a decision is made there has to be a

1 way that you can follow how that decision arrived and
2 that by having socio-economic criteria guidelines where
3 everyone can follow, then that's going to make the
4 process a lot easier for everyone and that's going to
5 provide for these opportunities. We will be able to
6 weigh our decisions, we will be able to decide whether
7 by looking at numbers, by looking at quantities we will
8 be able to decide and focus on the issue. Rather than
9 focusing on, you know, opinion we will be able to focus
10 on data.

11 Q. What are the opportunities? Why was
12 it in quotations? What's special about that?

13 A. Within the community now, I guess, we
14 are looking quite often at avoidance and I think that's
15 what happened. Again, it's not in the issue, that
16 everything got closed down rather than recognizing that
17 there was a dependency there within the community for
18 the future and we can probably build on aspects and
19 data.

20 When problems came to light, the province
21 seemed only able to deal with these issues by shoving
22 it done. That just seemed to be the only option that
23 they could see, was to back away from the problem
24 instead of having a guideline where they could go
25 through a decision-making process to recognize what the

1 community needed. There was no mechanism there where
2 they could say: This community depends on this aspect
3 of Crown lands, this aspect of planning.

4 They really didn't have a process where
5 they could justify that decision. So what happens, you
6 know, they keep backing off and back off and suddenly
7 all you can do is just close down everything. When you
8 close done the access, you close down Crown land, you
9 close down the access to natural resources, you close
10 off the community completely.

11 Q. Now, you've mentioned that local
12 input has to be taken into account. How do you
13 consider other people's concerns outside of the
14 community or areas of concern that have to be dealt
15 with?

16 A. The community itself is defined by
17 the issue and within -- by having social and economic
18 guidelines it allows you to follow a path to areas
19 outside of, say, a single community.

20 Q. Perhaps you can illustrate, give an
21 example of what you mean by that?

22 A. Well, there is we -- you know, we all
23 know that when something is harvested or if there is --
24 you know, within an edge ecological community unit
25 nothing is self-contained and we have to look outside

1 of that process.

2 In terms of the word area of concern, you
3 are talking about socio-economic area of concern rather
4 than the Ministry area of concern.

5 Q. Deal with the Ministry area of
6 concern, that term specifically by the Ministry. How
7 you weight different people's points of views or...

8 A. Well, right now there isn't a
9 definitive process for the identification of AOCs,
10 areas of concern. Areas of concern are locations
11 within the district that are modified according to
12 someone's alert and these could be directly from the
13 Ministry themselves. The Ministry themselves can
14 identify certain areas where they modify, whether it be
15 trapping or whether it be harvesting or whether it be
16 any kind of recreation. Those areas of concern are
17 right now largely closed to public input.

18 One person can put those in place and
19 they are on a map without having a full input depending
20 on the size of them, but we found even very, very large
21 ones are put in place without a full public hearing.

22 Q. In your view, should there be public
23 input in those?

24 A. There has to be public input.

25 Q. Why?

1 A. There has to be public input right
2 now because there isn't a set of criteria for
3 identifying them. I think if there was more aesthetic
4 criteria for identifying them there would be less
5 concern about how they got there.

6 There are 29 regions across Ontario right
7 now and how those areas of concern are put in place, I
8 cannot find. I have asked in writing for the
9 prescription and have not received that prescription.

10 So it's pretty well up to anybody right
11 now how these areas of concern are put it place.
12 That's not good enough. They are impacting
13 significantly on different sectors.

14 Q. Is that something that should be
15 within the mandate of a stakeholders' committee?

16 A. Oh, absolutely, but again it appears
17 that there has to be a stakeholders' committee probably
18 drawn up. You have to draw up the terms of reference,
19 the ecological terms of reference because those are not
20 available right now either.

21 MR. TOBIN: Thank you. Those are my
22 questions.

23 MADAM CHAIR: Thank you.

24 Ms. Skidmore, is it your evidence to the
25 Board that you are supporting CASIT's recommendation

1 that guidelines be formulated for socio-economic
2 analysis?

3 THE WITNESS: Absolutely. Right now we
4 can pull off the shelf some criteria for setting out
5 concerns for moose, concerns for fish, concerns for
6 tourist values, but we can't come -- we can't look at
7 as a group any definitive set of guidelines for the
8 community.

9 I listened to a lady from Temagami
10 outline that very, very well when she said over the
11 years what's happening is part of this region is being
12 given away through an area of concern process to all of
13 these different sectors and after a couple of years the
14 access to the community, not only for their sawmill,
15 but for their recreation as well, it just disappeared
16 and there was nothing there that they even as a
17 community could go back there and say, these guidelines
18 have to be in place.

19 MADAM CHAIR: Fine, the Board understands
20 that. It is not your evidence that you are suggesting
21 what you want to see in those guidelines or how you
22 want them formulated at this point?

23 THE WITNESS: At this point, no. We are
24 collecting, though, through the Ministry itself -- in
25 combination with the Ministry itself some helpful

1 suggestions for those.

2 MADAM CHAIR: Ms. Skidmore, will
3 NORTHCARE as an organization be giving evidence to the
4 Board at another location?

5 THE WITNESS: At this point we hope so,
6 depending how long that takes.

7 MADAM CHAIR: All right, thank you.

8 Mr. Cosman?

9 MR. COSMAN: Thank you, Madam Chair.

10 Ms. Skidmore, my name is Robert Cosman
11 and I represent the Forest Industries Association. I
12 have a few questions for you today.

13 CROSS-EXAMINATION BY MR. COSMAN:

14 Q. I would like to address them to the
15 first page, to a couple of comment on the first page of
16 your statement in the witness statement. In the second
17 last paragraph with respect to Temagami, you say:

18 "Decisions were made on a nearly weekly
19 basis that effected profoundly the
20 communities of the region with more
21 consideration for the political spin than
22 for people's lives."

23 When you are referring to the fact that
24 more consideration was given to the political spin than
25 for people's lives, are you referring to the influence

1 that the Toronto based environmental groups had in
2 Queen's Park on the political level as compared to
3 local northern communities?

4 A. Absolutely. People in Temagami were
5 saying that they even though they had input into and
6 had voiced their decisions they still weren't getting
7 any answers back that they considered they could have
8 confidence in, and they were getting tired of listening
9 to the radio every day, CBC, to find out whether they
10 were going to have a job tomorrow.

11 That seemed to be the way that the
12 decisions were being made rather than having any
13 confidence through the local decision-making process.

14 Q. This may be a self-evident question,
15 but is it your experience in various advocacy groups
16 and working on the Temagami matter that the views of
17 northerns get short shrift when the politicians are
18 looking at the number of southern votes?

19 A. We have all kinds of policies,
20 particularly the Provincial Park Policy which
21 illustrates that very, very clearly.

22 The Provincial Parks Policy from 1988, as
23 it stands now, was written up in those groups,
24 philosophies in their documents for some time. There
25 was no consultation with northern Ontario groups at all

1 on the policy.

2 There were many park plans in place, such
3 as the one that was referred to earlier here, where
4 there was significant local input and yet the final
5 analysis for the provincial parks plan which affected
6 all of Ontario, affected massive, massive areas across
7 Ontario, many communities, reflected almost identically
8 that those groups policies, those groups philosophies
9 completely dismissed the local input that had gone on
10 for decades.

11 Q. Thank you. With respect to the
12 second part of that statement where you said:

13 "Decisions were made on a near weekly
14 basis that effected profoundly the
15 communities of the region...."

16 Could you elaborate on how those
17 decisions made effected profoundly the communities of
18 the region?

19 A. People -- well, first of all, people
20 just weren't sure of their jobs and that meant that
21 they weren't sure whether they were going to meet their
22 mortgage payments. In a community like that, it meant
23 that if they weren't able to meet their car payments
24 and mortgage payments that there wasn't going to be
25 anybody there to buy them if they had to sell. They

1 were going to be left with massive personal debts.

2 Students who were graduating from high
3 school and had had many aspirations to go on to
4 colleges and universities saw that their parents would
5 not be able to afford to let them go. They wouldn't
6 have the jobs themselves in the local stores which
7 closed in order to finance themselves to go to
8 university that distance, their education was affected.
9 It affected children's lives to the future.

10 The school board was not sure of its
11 revenue. They had input. They felt that they may have
12 to close or remove several teachers in the local
13 schools. That was very worrisome not only to the
14 people themselves, but to very, very young children.

15 So that kind of concern throughout a
16 community caused incredible stress. I mean, it's
17 still, -- you know, I have been into communities where
18 they were into that turmoil by a lack of policy, by a
19 lack of recognition of their contribution.

20 We've done also some assessments of
21 communities in that area. One example, the Town of Elk
22 Lake with 500 residents provides \$12-million in forest
23 products over a year. Now, in addition to that there
24 is significant trapping and significant tourism
25 revenues.

1 They were all threatened and those people
2 provide three to four times the average, as do most
3 northern Ontario residents, to our standard of living.
4 There was no recognition of that. It appeared that
5 they were just people who were there because they were
6 passing the time of day, and it was just absurd.

7 MR. MARTEL: Can I ask a question, Mr.
8 Cosman?

9 I worry about this. The type of problem
10 you are discussing, though, goes well beyond, doesn't
11 it, any planning process?

12 In fact, it involves every community in
13 northern Ontario that's faced with extraction of raw
14 material, whether it be a Sudbury or Elliott Lake or
15 Wawa, and the type of decision that had to be made will
16 not reside in a planning process, but will reside in a
17 much wider, muched broader definitive decision by
18 government as to how they are going to deal with
19 resource extraction and whether they will insist on
20 such things as communities being paid for not by the
21 workers who were the only ones who lost ultimately.

22 MR. MARTEL: One doesn't see major
23 corporations in those decision-making processes losing
24 much. I mean, that's calculated in everything they do
25 from square one; the people who lose are in fact in

1 northern Ontario the small businessmen, the workers per
2 se. The Government of Ontario which pumps the money
3 into the infrastructure -- if one looks at Elliott
4 Lake, it goes down the tube.

5 I guess what I'm worried about is this
6 discussion as to how one makes a decision in a planning
7 process about resources that ultimately will overcome
8 those sort of problems that governments have yet to
9 tackle even.

10 THE WITNESS: I don't think it's really
11 too difficult. We can all have -- we all have some
12 input into the decisions based on our experience and
13 past with resources and we know from experience because
14 we're resource based -- every community in northern
15 Ontario is resource based, our whole way of life is
16 related to that resource base.

17 We know in certain instances,
18 particularly in mining, that we have a decision-making
19 process which is not -- which has a finite point and
20 that is usually understood by the community.

21 Similarly, we understand the processes
22 that are going on within the forestry base, within the
23 tourism base, within the trapping base, and people are
24 able to make those decisions themselves and plan for
25 them.

1 But when the government, who has a
2 responsibility in Crown Land, which belongs to all of
3 us, to provide, and yet the essence of what the
4 community knows - the community knows that they can
5 continue to make a living and provide from that
6 resource base and manage it well from both an economic
7 and environmental point of view, the community knows
8 that they can contribute through that natural resource
9 base - yet their representation does not reflect the
10 community's awareness, their representation both
11 through the political level and the bureaucratic level
12 closes that off and says, you know, it's gone and the
13 community is sitting there without an agreement as to
14 why it should have been closed because they know that
15 they can continue and look after it.

16 MR. MARTEL: But the decisions that are
17 made that affect the community are not made by the
18 local decision-makers; the decision to close a mine is
19 made somewhere else, the decision to close a pulp mill
20 or cut back is not made by the local citizenry, that is
21 made -- I mean, where you're going to cut a certain
22 amount of trees might be done locally, but the
23 decision, the hard decisions that affect a community in
24 northern Ontario usually aren't made in northern
25 Ontario.

1 THE WITNESS: That's right.

2 MR. MARTEL: They're made outside the
3 province frequently or outside of northern Ontario, and
4 that's why I'm am wondering if you can get at -- I
5 understand what you're trying to get at and what these
6 single industry communities are trying to get at - some
7 of us have struggled for years with it - but those
8 decisions are made, the very fundamental decision that
9 affects the community is made outside of this
10 community, whether you'll proceed, whether you'll shut
11 down, whether you'll put a new mill in, whether you
12 close the mill, whether it's a pulp mill or an iron/ore
13 deposit, those are all decisions that are made by
14 someone somewhere else.

15 THE WITNESS: But we understand that as a
16 society.

17 MR. MARTEL: Then you've got to have more
18 power than a stakeholders committee, I would suggest.

19 THE WITNESS: But that's what we're
20 trying to affect in decisions where we should be able
21 to input, and I think as a society we understand the
22 limitations of some decisions.

23 We can tell, for instance Kapuskasing,
24 when people have talked there for five years that they
25 knew what was happening in their town, they recognized

1 it was coming and there is a lot of acceptance because
2 of that, but in areas like Temagami where it was
3 completely outside of their hands and there was a
4 responsibility by the government, whether it be
5 different levels, there was a responsibility to provide
6 them with the raw materials.

7 You see there's a difference between a
8 market base and there's a difference between a natural
9 resource base.

10 MR. MARTEL: But Kap, the decision to
11 whether they would upgrade that mill was not going to
12 be made by the local citizens, that was going to be
13 decided in Texas somewhere.

14 THE WITNESS: Yes, but the local --

15 MR. MARTEL: And if they decided not to
16 upgrade, what could the local citizens do about it?

17 THE WITNESS: What they're doing. They
18 still have access to the resource and they still have a
19 possibility of continuing on in their community through
20 their council.

21 MR. MARTEL: But if the decision is made
22 by the corporation to shut the door tomorrow unless the
23 local citizens can find enough capital to upgrade that
24 mill, and forget the forest management agreement,
25 that's not the difficult part, the difficult part is

1 who is going to make ultimately the decision which will
2 trigger a series of other events. And that's beyond,
3 at this point, beyond the realm of the local community
4 and has been for the past five years whether the owner
5 of that mill wanted to upgrade it to keep it viable.

6 THE WITNESS: But what we're talking
7 about is the public process here.

8 MR. COSMAN: Mr. Martel...

9 MR. MARTEL: Excuse me, for a moment, Mr.
10 Cosman. But the public process, though, the decision
11 to upgrade is not made by the public, it's made by the
12 owner of the mill.

13 THE WITNESS: But that's different
14 process than what we're talking about here, and what
15 we're talking about here is the access to what is our
16 right, and we have rights, we have rights to public
17 lands, we have rights to natural resources.

18 We don't have a right to those, that's
19 right, to the Dickenson Mines, to the -- we don't have
20 a right to those, that's a different process.

21 MR. MARTEL: But those are the
22 fundamental decisions that affect the community.

23 THE WITNESS: Yes. It is not this
24 process.

25 MR. MARTEL: It's only after those

1 decisions that the community can have some input. If
2 you decide to upgrade, fine, then you can have some
3 input on how the process will occur, but until those
4 decisions are made, what input does the public really
5 have?

6 THE WITNESS: To the natural resource
7 access, which is what this process is about. We're
8 talking about here the process of Crown land.

9 MR. MARTEL: I understand.

10 MR. COSMAN: Let me put it --

11 MADAM CHAIR: Excuse me, Mr. Cosman. I
12 always hate to interrupt as a resident of Toronto in a
13 lively discussion between northerners, but certainly,
14 Ms. Skidmore, we as a Board understand very clearly
15 what you're saying, that at the level of the
16 stakeholder group that you're arguing very strongly
17 that there must be community involvement, and we have
18 it before us how you see that happening.

19 Mr. Martel I think had enlarged the ambit
20 of the conversation with very large questions,
21 ownership and control of industries.

22 THE WITNESS: I think that's outside of
23 this stewardship, this process.

24 MADAM CHAIR: Yes, and the Board agrees
25 with that.

1 Mr. Cosman, did you have a follow-up
2 question?

3 MR. COSMAN: Yes, I did, Madam Chair.

4 I would like to engage, Mr. Martel, on a
5 discussion as to how the timber management planning
6 process and other regulatory framework impacts on
7 investment decisions, but I'll leave that --

8 MADAM CHAIR: We'll leave that until --

9 MR. COSMAN: I'll leave that to another
10 day.

11 MADAM CHAIR: That's right.

12 MR. COSMAN: But perhaps I can finish
13 this line with this witness with the following
14 question:

15 Q. Ms. Skidmore, although the timber
16 management planning process cannot obviously answer all
17 of the issues facing the north, would you agree that
18 the Board should adopt measures in the timber
19 management planning process where it can enhance the
20 industrial and commercial base of northern communities?

21 A. The industrial, commercial and the
22 whole social--

23 Q. Social.

24 A. --social base of the communities,
25 that's right, because it's our way of -- it's our way

1 of life in northern Ontario and, at this time, there is
2 no alternative to that way of life and the timber
3 management planning management is absolutely crucial to
4 the whole future of northern Ontario and every
5 community in it.

6 MR. COSMAN: Thank you very much. Those
7 are my questions, Madam Chair. Thank you.

8 MADAM CHAIR: Thank you, Mr. Cosman.

9 Ms. Seaborn, do you have any questions
10 for Ms. Skidmore?

11 MS. SEABORN: No, thank you, Madam Chair.

12 MADAM CHAIR: Mr. Freidin?

13 MR. FREIDIN: Yes, I do. If I could just
14 take a minute here to set up my paper work.

15 CROSS-EXAMINATION BY MR. FREIDIN:

16 Q.- Just dealing with your curriculum
17 vitae just for a short moment.

18 A. I wish my birth hadn't been published
19 on that.

20 Q. Last night you said I should call you
21 Judith, not Miss, Ms., or Mrs. Skidmore.

22 A. Judy.

23 Q. Oh, Judy. All right, Judy. You say
24 that you've worked as a senior ecologist. What formal
25 qualifications do you have as an ecologist?

1 A. I've a Bachelors degree and I have a
2 Bachelor of Science degree with course work towards a
3 Masters degree, plus I think that the experience that
4 I've had living in the northern Ontario, northern
5 Canada lifestyle and decision-making process was fairly
6 significant.

7 I also think they hired me because I
8 could drive a bulldozer. That was only my own...

9 Q. When did you graduate with your B.Sc.
10 from Trent University?

11 A. When?

12 Q. Yes.

13 A. '74.

14 Q. And your majored in geography and
15 economics?

16 A. That's right, physical geography.

17 Q. And the Masters course work was in
18 relation to what subject, I didn't catch that?

19 A. Largely ice engineering in Memorial
20 University. I was with the Centre for Cold Ocean
21 Resources Engineering at the time.

22 Q. Would it be fair to say that an
23 important part of your qualification as an ecologist is
24 your experience and work in the north, that MNR people
25 who work in the north would have at least equal

1 qualifications as ecologists?

2 A. Well, it would depend. I would think
3 in some cases my experience has a significant
4 decision-making level to it.

5 I was part of the senior project team in
6 Newfoundland/Labrador Hydro with the senior
7 vice-president, where I was one of six in the
8 organization that undertook weekly decisions and my
9 input was the ecological one, so it was -- I think that
10 that is a fairly limited experience.

11 Q. We've heard in the hearing that
12 ecology is a very broad topic and there are wildlife
13 biologists who are ecologists, there are fisheries
14 biologists who are ecologists, there are soil
15 scientists who are ecologists.

16 A. That's right.

17 Q. What specific area of ecology do you
18 say that you have academic qualifications in? I'm not
19 trying to belittle your qualifications, I'm trying to
20 understand them.

21 A. It's largely, I would say, soils and
22 soil stability.

23 Q. Thank you. Can you turn to your
24 witness statement on page 2, please, and I would like
25 to direct your attention to the third -- pardon me, the

1 fourth full paragraph.

2 And you comment in that paragraph about
3 policies on road openings and closures and you comment
4 in the third line:

5 "There does not appear to be a clear
6 policy within the MNR or other ministries
7 such as the Northern Development and
8 Mines on road closing issues."

9 Could you perhaps take a moment and give
10 us your view as to what you think the policy should be
11 for road openings and closings?

12 And, first of all, what do you mean by
13 closure; do you mean complete closure, or do you mean
14 regulated use when you use that word?

15 A. To some extent both.

16 Q. All right.

17 A. There are, sort of, different
18 documents exist both from the Ministry of Northern
19 Development and Mines and in Natural Resources on these
20 issues. They don't appear to have any coordination at
21 this time and it is a very, very large issue in
22 northern Ontario.

23 Going to different communities people
24 bring up this road issue. It's critical, access is
25 something that in a geography such as ours is critical

1 to development, to our future, the road, you know, you
2 don't have a community, you know, your future is
3 somewhat unsure.

4 It would be good to see a full plan of
5 roads in northern Ontario and I think that's something
6 that's, with the amount of academics and studies that
7 we have now, a long-term road development plan for
8 northern Ontario is something which is long overdue.

9 That would include the levels of road
10 from the King's highways to the tertiary type roads
11 within a long-term development plan for northern. That
12 does not exist at this time.

13 In the interim I think road planning has
14 to be done within the communities. There is a certain
15 understanding, I guess, of the principles of roads and
16 this is critical I believe and I believe it's something
17 that has been very largely overlooked and that's how
18 roads relate to the Public Lands Act which has been
19 recently changed.

20 That was also changed without significant
21 input across northern Ontario or within the province at
22 all, and I've tried, although I am not good at
23 interpreting acts and regulations, have tried to
24 understand the principles of roads in the north, and I
25 understand that a road, as it exists on Crown land is

1 then a part of Crown land and belongs to all of us.
2 And those kinds of basics, rights have to be integrated
3 into that road planning management.

4 MADAM CHAIR: Excuse me, Ms. Skidmore,
5 but that is not a proposal by CASIT?

6 THE WITNESS: He was asking me for --

7 MADAM CHAIR: That's your own opinion,
8 not CASIT's?

9 MR. FREIDIN: I will be referring to a
10 specific term and condition of CASIT with regard to
11 roads in a moment, but I'm not too sure whether I got
12 the answer, or whether you addressed the issue that I
13 raised with you, and it's your witness statement that
14 says that there did not appear to be a clear policy on
15 road closing issue.

16 Q. Now, we've heard lots of evidence
17 where we've gone, it's one of the issues which meets
18 with the most controversy is whether timber access
19 roads are going to be open to the public or they're not
20 or whether there some people should be allowed to use
21 them for, say, commercial purposes but not use them if
22 they want to use them for recreational purposes.

23 And when I read your witness statement I
24 got the impression that you had some strong views on
25 that issue, and I don't want you to -- and that's what

1 I'm looking for, not what you think the legislation
2 says now, but do you think there should be a black and
3 white rule that all the roads should be open or all the
4 roads should be closed, or you believe that is
5 something that has to dealt with at the local level on
6 a road by road basis?

7 A. Definitely requires a consensus of
8 the community, however --

9 Q. But there can't be a consensus of the
10 community lots of times, that's why we've got
11 controversy in relation to these reads.

12 A. And one of the critical things is
13 that the principles of road management and Crown land
14 and multiple use is that people making the decisions
15 have the full information available to them and the
16 principles of Crown land and multiple use, and I do not
17 believe that that has been made available well enough
18 to the public at this point and I believe that more
19 information available to the public would assist
20 greatly in decisions being made on a local basis.

21 Q. What do you believe that the
22 principles of Crown land and use should be in relation
23 to the access to timber access roads?

24 A. Again, I think that they should be
25 provided with the Public Lands Act and that is

1 something that the community consensus has to decide.

2 Q. What would you like the Public Lands
3 Act to say about the ability of the public to use those
4 roads?

5 I'm giving you a chance to develop --
6 tell me what you would like in relation to this issue,
7 that is all I'm looking for, your views on that.

8 MADAM CHAIR: Well, how do you think
9 we're going to ask Ms. Skidmore to suggest formal
10 changes to a piece of legislation.

11 MR. FREIDIN: I'm not asking her for any
12 formal changes to legislation. Her witness statement
13 indicates that there is no clear policy on road closing
14 issues, and I just would like - I think it's a fair
15 question to ask of the witness - what she would like to
16 see in relation to road closing issues.

17 Does she want them open, does she want
18 them closed, or does it have to be dealt with at a
19 local basis.

20 THE WITNESS: I would not have an opinion
21 that could include all the roads of northern Ontario,
22 that would be impossible. Roads very much relate to
23 the local communities, the costs, and I believe that
24 that is an issue which should be dealt with by these
25 groups, by these representative community groups in

1 making those decisions, but I also believe that there
2 is not enough information available and access to
3 information in a useful way to those groups right now.

4 MR. FREIDIN: Okay.

5 MADAM CHAIR: Excuse me, Ms. Skidmore.

6 Would you see a stakeholders group making a decision --
7 with respect to timber management planning, would you
8 see a stakeholders group making a decision about
9 whether a road would in future remain open or closed?

10 THE WITNESS: I think that when we're
11 talking about these groups having authority, that that
12 definitely would -- they would have to have some
13 authority over that.

14 MR. FREIDIN: Q. Is that one of the
15 items that you think they should have the final say on
16 that would not -- could not be overridden by the
17 district manager?

18 A. I think I made it clear that that --
19 those limits of authority were going to be set within
20 the group itself.

21 Q. So you're saying that from a
22 management unit to management unit the stakeholders
23 committee would determine, during the planning process,
24 what sorts of decisions they would be accountable for
25 and they would make the final decision on and which

1 ones they would let the district manager make the final
2 say on; is that right?

3 A. I believe at this point they really
4 don't have any other choice. It would be good if we
5 had overall plans of development for roads in northern
6 Ontario that had significant input to provide these
7 groups with a lot of guidelines, we don't have that.

9 It's a very large issue and these kinds of stakeholders
10 groups that -- with an authority that wherein they will
11 set their own limits, that's the only way we can deal
12 with it right now. It's an interim measure.

13 MR. FREIDIN: I wanted to show you a copy
14 of MNR Interrogatory No. 13 which was presented to
15 CASIT. I apologize, it's got some scribbling on it,
16 that was mine. I didn't realize I was going to use
17 this, the arrows and underlinings are mine. (handed).

18 MADAM CHAIR: Do you want this to be made
19 an exhibit?

20 MR. FREIDIN: I think it should, yes.

21 MADAM CHAIR: All right. This will be
22 Exhibit 1825.

23 ---EXHIBIT NO. 1825: MNR Interrogatory Question No. 13
re: CASIT.

25 MR. FREIDIN: Q. And this addresses the

1 question you mentioned before about having an overall
2 plan for roads in northern Ontario.

3 You'll note that terms and conditions of
4 CASIT is suggesting:

5 "Mechanisms must be created to consider
6 long-term link-ups of roads that open up
7 new areas for harvest. Example, in the
8 Red Lake area the road to Winnipeg."

9 The question which was asked:

10 "Does CASIT agree that the planning of
11 roads of the types suggested in the
12 proposed condition would involve Ontario
13 government ministries other than MNR,
14 communities other than Red Lake, and
15 communities outside the specific forest
16 management units and governments other
17 than the Government of Ontario."

18 Now, first of all, did you have any part
19 to play in preparing the answer to this question?

20 A. No.

21 MR. TOBIN: These interrogatories are
22 dealing with the terms and conditions of CASIT not the
23 witness statement of Ms. Skidmore.

24 MR. FREIDIN: That's right.

25 MR. TOBIN: Okay.

1 MR. FREIDIN: They deal with the terms
2 and conditions of CASIT.

3 MR. TOBIN: I don't think it's clear. As
4 long as it's clear.

5 MR. FREIDIN: Q. Now, in this answer it
6 indicates that its CASIT's view in the answer No. (a)
7 that:

8 "Yes, government ministries other than
9 MNR and communities other than Red Lake
10 should be involved in that."

11 But they say:

12 "No, communities outside the specific
13 forest management unit should not."

14 Now, assuming I am interpreting the
15 answer correctly, do you agree that communities outside
16 the specific forest management units should not be
17 involved if in fact what you're looking at is a plan
18 which you were talking about to cover linkages across
19 all of northern Ontario?

20 A. I think I kind of lost you in there
21 for a minute. But if we're talking about roads within
22 the management unit, tertiary roads, and we're saying
23 that --

24 Q. I don't think we're talking about
25 tertiary roads here, we're talking about long-term

1 link-ups of roads that link up new areas for harvest.

2 A. Okay.

3 MADAM CHAIR: So what's the question, Mr.
4 Freidin?

5 Q. Do you agree with CASIT's answer here
6 that communities outside the specific forest management
7 unit need not be considered in making those kinds of
8 determinations?

9 A. For a long term --

10 MADAM CHAIR: Well, Mr. Freidin, I lost
11 you completely. In the answer -- doesn't the answer
12 say, yes, communities other than Red Lake would be
13 included in that decision?

14 MR. FREIDIN: All right. I guess --

15 MADAM CHAIR: Somebody's underlined your
16 things and said no to that.

17 MR. FREIDIN: No, I've underlined that.
18 I will ask Mr. Sayeau whether communities other than
19 Red Lake includes communities outside of Red Lake and
20 outside a specific forest management unit. Maybe Mr.
21 Sayeau can address --

22 MADAM CHAIR: Seeing as he's from Red
23 Lake, he's probably better to answer that.

24 MR. FREIDIN: Well, no, no. Seeing as
25 she didn't write the answer she can't help me any

1 further on that.

2 Q. Could you go to page 1 of your
3 witness statement, second last paragraph. This is the
4 paragraph that refers to the Coopers & Lybrand study
5 that you referred to.

6 A. Right.

7 Q. And indicate that this particular
8 Coopers & Lybrand study was flawed and was never
9 referred to in any MNR document to deal with the
10 Temagami issue.

11 It's my information, Ms. Skidmore, that
12 that report indeed is referred to and reproduced to a
13 large extent in the Environmental Assessment which was
14 prepared for the Red Squirrel Road, and can you confirm
15 whether my information is accurate?

16 A. Well, I lost my copy and --

17 Q. Copy of what?

18 A. Of the Coopers & Lybrand study.

19 Q. Yes.

20 A. So I went back to the MNR district
21 about three weeks ago to try and find it and they told
22 me that it was not -- that it was a flawed document and
23 they could not release it because it had never been
24 used.

25 Q. Who did you speak to there?

1 A. I spoke to Paul King who is the
2 Temagami Advisory Council coordinator and he quoted Mr.
3 Bob Griffiths, who was the -- well, he was district
4 manager, I'm not sure -- he's still there, but because
5 of the MNR changes I'm not sure exactly what his title
6 is right now.

7 Q. Can you confirm for me
8 notwithstanding what you were advised at that time, do
9 you that report in fact is referred to and incorporated
10 to a large extent in the environmental assessment for
11 the Red Squirrel Road, therefore, it is included in a
12 public document.

13 MR. TOBIN: If the witness doesn't
14 know...

15 MR. FREIDIN: Well, if she doesn't
16 know -- I'm just asking her. If she doesn't know,
17 that's fine.

18 THE WITNESS: Well, at this point I can't
19 bring it to memory. I can bring to memory the report
20 itself, but -- and the response that I got three weeks
21 ago when I tried to get another copy. That is it.

22 MR. FREIDIN: Q. All right. That's all
23 you have. And it's my information that the flaw that
24 was referred to -- you said the flaw was there was
25 nothing in there about jobs and the number of jobs in

1 various industries?

2 A. It wasn't -- we did not consider that
3 it accurately reflected the jobs or the economic
4 situation in the region. We couldn't use it ourselves,
5 we've had to do our own data.

6 Q. Do you know whether there was a
7 multiplier effect used in the Coopers & Lybrand report?

8 A. Again, we didn't -- I couldn't get
9 another copy, so I couldn't go through. It's just that
10 at the time we found that our figures which we used,
11 there just was not data in there that was very
12 significant and that was confirmed few weeks ago by the
13 Ministry.

14 Q. You made reference to doing an
15 alternate assessment and I think you referred to that
16 in your evidence?

17 A. Yes.

18 Q. I'm going to show you a document
19 entitled Economics of Impact of Forest Product
20 Industries in Temagami Region. I'm just wondering, is
21 this the document or part of the document that you
22 referred to?

23 A. Well, this isn't the document that I
24 used. Some of the information that we got by telephone
25 may correspond with this, you know, that we got at the

1 time by calling different people--

2 Q. Right.

3 A. --may correspond with this, but this
4 isn't familiar to me.

5 Q. All right. You don't have the copy
6 of the information that you put together; do you, here
7 with you?

8 A. No, I haven't.

9 Q. Are you a member of the Temagami
10 Forest Products Association?

11 A. No, I am not.

12 MR. MARTEL: Did you ask MNR for all the
13 documentation that they had available to them with
14 respect to the Temagami Association and was it
15 forthcoming?

16 THE WITNESS: I believe we did and that
17 was a copy of the Coopers Lybrand study.

18 MR. MARTEL: That is the only material?

19 THE WITNESS: Yes. We had pressed the
20 local Ministry to undertake more information and they
21 have since, within the past year, hired an economist.
22 I guess about a year ago they hired a fellow, an
23 economist for that district.

24 We met with him and wrote to the district
25 manager that as soon as he had information compiled

1 that we could meet and discuss it and we haven't
2 received -- we haven't had a response to that yet.

3 MR. FREIDIN: Q. Ms. Skidmore, you were
4 asked an interrogatory, I think you referred to this in
5 your evidence, about the involvement of the Toronto
6 based environmental groups.

7 There is a comment made on page 2 of your
8 witness statement in the second full paragraph where
9 you say:

10 "It is clear that the Toronto based
11 environmental groups are receiving more
12 priority and placements on these
13 councils..." referring to advisory
14 councils,

15 "...than they really deserve."

16 You were asked which specific Toronto
17 based environmental groups are being represented on
18 those advisory councils and you said at least than the
19 FON was the response given. Was that your response?

20 A. Yes.

21 Q. I don't want you to repeat your
22 evidence, but could you expand on what role you see for
23 these Toronto based environmental groups in the
24 preparation of timber management plans which are, as
25 you know, done at a local level?

1 A. Two cases that I can bring to mind,
2 the Biscotasing Advisory Council and the Sudbury
3 Advisory Council, they both have representation by that
4 group.

5 Q. By the FON?

6 A. Yes. In the case of the Sudbury
7 Advisory Council, we had to spend significant amounts
8 of time as to having local based groups on that council
9 who clearly represented a larger northern grassroots
10 interest.

11 Finally, I guess, they put it to a vote
12 in MNR whether they would let northern representation,
13 particularly NORTHCARE, who would represent a municipal
14 membership, and apparently by one vote they did finally
15 allow NORTHCARE representation.

16 We questioned, you know, why a Toronto
17 based group who does have membership in northern
18 Ontario, but would get representation by appointment
19 when these groups are set up, yet it would be so
20 difficult to get northern based groups sitting on these
21 councils.

22 That's not the case in all advisory
23 councils. They don't all have FON representation, but
24 in the case where there is this Federation of Ontario
25 Naturalists Toronto based group, there has not been a

1 similar recognition of northern based groups with a
2 clear ecological concern.

3 Q. So I take it then what you are saying
4 is not so much that you were objecting to their
5 presence on the committees, it is rather your perceived
6 difficulty in terms of having northern based groups on
7 the same committees?

8 A. That is the largest concern. I guess
9 the other concern is actually what to do they represent
10 on those communities that is not already represented
11 from a local concern.

12 Q. Thank you.

13 MADAM CHAIR: Excuse me, what was the
14 second example you used other than the Sudbury Advisory
15 Council?

16 THE WITNESS: The Biscotasing.

17 MADAM CHAIR: Could you spell that,
18 please?

19 THE WITNESS: B-i-s-c-o-t-a-s-i-n-g.

20 MADAM CHAIR: Thank you.

21 MR. FREIDIN: Q. On those committees
22 that you said you were involved, who was on those
23 committees other than the FON? What sort of local
24 groups were on those committees?

25 A. Trappers groups, prospectors groups,

1 some local municipal representation, normally a local
2 conservation club, anglers and hunters in particular,
3 generally sometimes there were some other groups
4 depending on the activity, but usually, yes, a forest
5 organization or industry group.

6 Q. Okay. In terms of timber management
7 plans, I understand your evidence to be that you would
8 like to see in a timber management plan some indication
9 of what the economic impacts might be of what you
10 propose in a plan; is that correct?

11 A. That's right.

12 Q. One of the things that you did was
13 you had written to some districts and asked for that
14 sort of information; is that right?

15 A. Did you say -- I didn't hear the
16 first two words.

17 Q. You wrote and asked for some
18 information on the economic impact of the plan?

19 A. That's right, yes.

20 Q. I am going to show to you a two-page
21 document. It is from pages 65 and 66 of the Red Lake
22 Timber Management Plan for the period 1991 to 1996.

23 I want to ask you whether this
24 information is along the lines you are looking for.

25 MADAM CHAIR: Do you want this to be an

1 exhibit, Mr. Freidin?

2 MR. FREIDIN: Yes, I think it should be.

3 MADAM CHAIR: The two-page excerpt from
4 the 1991 to 1996 Red Lake Timber Management Plan will
5 be Exhibit 1825 -- 6. 1826.

6 ---EXHIBIT NO. 1826: Two-page excerpt from the 1991 to
7 1996 Red Lake Timber Management
Plan.

8 MR. FREIDIN: Q. I just pulled out those
9 two pages. First of all I will let you take a look at
10 it.

11 A. Just having a quick review of it, it
12 looks like one of the most extensive considerations
13 that I have seen for socio-economic considerations, but
14 there is a number of other things I think that -- you
15 know, for instance, reference to other forest users,
16 where there is a contribution or perhaps in some cases
17 a detriment to other forest users. For instance,
18 trapping, prospecting, tourism probably could be
19 included in here too, but it looks like a good start.

20 Q. Thank you.

21 MR. FREIDIN: Those are my questions.

22 MADAM CHAIR: Thank you very much, Mr.
23 Freidin.

24 Ms. Skidmore -- Mr. Tobin, would you like
25 to...

1 MR. TOBIN: One quick question that
2 flowed from a question Mr. Cosman asked and it dealt
3 with back in the Temagami area and decisions made on a
4 weekly basis.

5 RE-EXAMINATION BY MR. TOBIN:

6 Q. You talk about there being insecurity
7 as a result of the process there. Can you comment on
8 whether if there was a degree of formality to it so
9 people knew what to expect in the future in terms of
10 how decisions were going to be made, whether this
11 insecurity would be ameliorated in any way or lessened?

12 How much of the insecurity is a function
13 of ad hoc policies made on a weekly basis, as you
14 suggested?

15 A. Well, I think that people pretty
16 quickly came to expect the worse and there really
17 wasn't any indication that there would be any
18 compensation.

19 In some cases I think there was, but
20 there was also an expectation that compensation for any
21 of the hardship was unlikely to the ordinary person or
22 to, for instance, other businesses in the area which
23 were clearly going to suffer; for instance, say, local
24 restaurants.

25 You know, it was fairly clear to me in

1 talking to local restaurant people on Main Street that
2 they understood exactly what the economic level was
3 within their town. They could pretty clearly define it
4 in terms of percentage and what was going to happen.

5 So the community themselves understood
6 very clearly the social and economic benefits of the
7 resource and that there wasn't going to be a
8 recognition of that by the government. They were going
9 to be put out to dry, if you will.

10 MR. TOBIN: I won't get into politics.

11 Thank you. Those are my questions.

12 MADAM CHAIR: Thank you, Mr. Tobin.

13 The Board thanks you very much, Ms.

14 Skidmore, for travelling today to give us your evidence
15 and perhaps we will see you again some time.

16 THE WITNESS: Hopefully.

17 MADAM CHAIR: Thank you very much.

18 Mr. Tobin, would you like to call your
19 next witness now?

20 MR. TOBIN: The next witness --

21 MADAM CHAIR: And then we will probably
22 break for lunch. We normally break from 12:00 to 1:30.
23 Is that agreeable?

24 MR. TOBIN: That's fine. I was going to
25 call two gentlemen and have them proceed and then we

1 will get as far as we can.

2 MADAM CHAIR: That's fine.

3 MR. TOBIN: I will call Mr. Art Gouriluk
4 and Mr. Bill Coppen, please.

5 ART GOURILUK,
BILL COPPEN, Sworn

6 MR. TOBIN: Madam Chair, with respect to
7 dealing with the subject of procedure here in this
8 hearing, I propose, subject to your advice, to take
9 each of the witnesses through their evidence and let
10 them be cross-examined together. Is that appropriate?

11 MADAM CHAIR: I think that's fine.

12 MR. TOBIN: I will start with Mr.
13 Gouriluk, please.

14 DIRECT EXAMINATION BY MR. TOBIN:

15 Q. Sir, can you please tell us where you
16 live?

17 MR. GOURILUK: A. Red Lake.

18 Q. How long have you lived here, sir?

19 A. Since 1949.

20 Q. I understand that you are involved in
21 trapping; are you?

22 A. Yes, I am on a part-time basis.

23 Q. How much of your time does that take?

24 A. Pretty well from the beginning of
25 October into January of the following year.

1 Q. Are you involved in any organizations
2 representing trappers in this area?

3 A. Yes, I have been the President of the
4 Red Lake Trappers Council for the past number of years.
5 At the present time I am one of 16 directors who are
6 trying to form a new association of trappers in the
7 Province of Ontario because of the fall of the Ontario
8 Trappers Association.

9 Q. I understand that you have had
10 involvement or dealings with the Ministry of Natural
11 Resources in your capacity as a trapper; is that
12 correct?

13 A. Yes.

14 Q. Can you generally describe how your
15 dealings have been with the Ministry and particularly
16 how sensitive they have been to your concerns as a
17 trapper?

18 A. Well, my dealings primarily have been
19 with the people in the fish and wildlife and I would
20 like to say that cooperation from them has been good.
21 I have good cooperation with them, I've had dealings
22 with Roy Sidders of timber and cooperation with Roy has
23 been good as well.

24 The one part, as far as I'm concerned and
25 I think trappers, that we have felt that we haven't

1 been a part of the initial planning process. We feel
2 the timber that's out on our lines is ours as well. My
3 line is where the timber cutting is taking place, and I
4 feel - and I think I can speak for the trappers - that
5 perhaps we should sit in on a committee, on a forum of
6 some sort and have some say somehow. I don't know how,
7 but have some say. I think it will make us feel
8 better.

9 Q. How have you been involved so far?
10 What has the past practice been? Have you been invited
11 to open houses and things like that?

12 A. Open houses, yes, there is no
13 question about that. There has been invites to open
14 houses.

15 You know, I receive a letter as President
16 of the council and then I inform my fellow trappers of
17 these open houses and they are aware of it also because
18 the notices are in the paper.

19 However, I've never felt comfortable at
20 these open houses myself, I suppose because I am sort
21 of a low key person all my life in business. I've
22 never been one to sort of get out and sort of demand
23 something, so to speak. Fine, I've been the the open
24 houses and I might add that -- again, I am going to
25 give Roy Sidders a little pat on the back here, that

1 the open houses with Roy Sidders have been best for me.
2 I have really enjoyed working with him.

3 Q. What has he done that has made them
4 different that you didn't find in the past?

5 A. Well, one thing, he took time to come
6 out on the trapline with me and he made it a point to
7 come out and cover an area there, and he and another
8 gentleman from his office were out with us and we
9 travelled our area and we pointed out our problems.

10 Q. That was a voluntary trip he made, I
11 take it? You asked him to come, or how did that come
12 about?

13 A. Well, we discussed it. Roy said, "I
14 would certainly like to make the trip with you," and he
15 offered to come again whenever.

16 Q. Now, how else can these open houses
17 be made more helpful to you or what other things would
18 you like to be involved in to make sure your concerns
19 as a trapper were made known to the Ministry and
20 addressed?

21 A. Well, I think, as I pointed out, if
22 initially trappers were a part of the process somehow.
23 I know our -- I don't think our industry is a very
24 vocal industry and I think, especially in the last
25 couple of years, probably the fact that fur prices are

1 down. I think as a result of that trappers are maybe
2 falling back to a certain degree. However, I think
3 that we should be a part of the initial planning
4 process. I think that is important.

5 Q. How would you be part of it?

6 A. Well, representative of the trappers
7 groups, sitting in on the initial plan, as has been
8 discussed, where this planning team can be comprised of
9 this -- these are my thoughts, can be comprised of
10 trappers or a trapper representing the trappers,
11 someone representing the tourism industry, MNR of
12 course, Ministry of the Environment and various other
13 interest groups.

14 Q. How have these concerns been
15 addressed or dealt with by you in the past when you
16 weren't involving in the planning stage and problems
17 arose?

18 How did you get your problems solved in
19 the past?

20 A. I don't quite follow you there.

21 Q. You want to be part of the planning
22 process?

23 A. Yes.

24 Q. I will back it up a little. What
25 issues do you want made known in part of the planning

1 process?

2 A. Well, where to cut, when to cut,
3 buffer zones to be left on certain lakes and creeks and
4 streams and strips left in certain areas to provide
5 habitat for wild animals.

6 Q. These are things you would like to be
7 able to have input on now.

8 How are you dealing with that now, where
9 to cut and when to cut and buffers? Are you dealing
10 directly with the forestry people?

11 A. Yes. I'm dealing directly with them,
12 yes.

13 Q. How is that procedure working?

14 A. Well, as I said, I'm not an open
15 house type person. I would like to point out that
16 there was a certain area that was going to be cut this
17 past year. I complained.

18 Q. To who?

19 A. To Roy Sidders and we discussed it
20 with Roy and we had a stay of two years on this
21 particular area.

22 However, it doesn't mean that the fact
23 that I complained that it's going to stay -- I have a
24 stay of two years. It's still going to be cut. So two
25 years down the line or three years down the line there

1 isn't going to be an area to trap at all.

2 Q. Tell me, what is the extent of your
3 investment as a trapper?

4 A. Do you want to me...

5 Q. Don't read it from the statement, but
6 perhaps you could just highlight the extent?

7 A. Well, it's in the neighbourhood of
8 35- to \$40,000 in equipment. There is a truck and snow
9 machines and traps and sleighs and so on.

10 Q. I take it that the monies that you
11 spend, the operational expenses, is that spent in the
12 local area here?

13 A. Oh, yes.

14 Q. Okay. In your involvement here with
15 organizations in dealing with other trappers, how does
16 the size of your investment compare to other people's?

17 A. Actually, I have a large -- a very
18 large line and could be -- I supposes some could be
19 large than others and less, but I think it pretty well
20 gives you a general idea of what is spent by the
21 trappers in the area.

22 Q. I would like to turn to the
23 importance of the trapping industry in this area. Can
24 you comment on the size of the industry. Who's out
25 there?

1 A. Well, within our own council we are
2 probably looking at -- oh, in the neighbourhood of 20
3 or 25 people that are involved in our own council.

4 However, there is the Red Lake Native
5 Trappers Council as well and they encompass the Red
6 Lake area itself and I believe the northern districts.

7 I'm sure we are looking at, particularly
8 in the case of the native trappers where the family
9 traps, where it's a question of -- it's a trapline and
10 there could be three or four people or five people on
11 that line and they would trap that line together. So
12 I'm assure we're looking in this district in the
13 neighbourhood of 150 to 200 people.

14 Q. I understand you had a festival of
15 some sort?

16 A. Yes.

17 Q. How many people did that attract?

18 A. Well, it was a joint effort of the
19 Red Lake Trappers Council and the Native Trappers
20 Council. First of all, there were various outdoor
21 activities and we had the Township of Red Lake and the
22 Township of Golden recreation committees working
23 together on dividing these activities.

24 There were booth, displays set up at the
25 legion. We had a fashion show, school children were

1 involved. School children visited the booth and
2 questions were asked, and perhaps the highlight of the
3 thing was the wild feast that primarily catered to by
4 the native trappers, the other trappers to a certain
5 degree.

6 At least 400 people attended in the last
7 couple of years. The first year we had it, we were
8 sure there was in the neighbourhood of 600 people that
9 attended the feast.

10 Pancake breakfast was another highlight.
11 There was 360 people at the last pancake breakfast and
12 this was all done by the local trappers.

13 There were trappers throughout the area
14 that were represented, Ear Falls and then the northern
15 trappers as well, there was quite a number of native
16 trappers from the north. I mean, that in itself is
17 something that brings a community together.

18 Q. It sounds like you touch a lot of
19 people?

20 A. Right.

21 Q. Now, also in terms of the importance
22 of the trapping industry, can you talk about what it
23 does with respect to exploring and how important that
24 is?

25 A. Well, I know in my case when I bought

1 the line in 1978, there was areas that we had to cut
2 and we certainly did a fair amount of cutting and a
3 fair number of miles from, you know, connecting certain
4 lakes.

5 We were certainly -- I'm speaking for
6 others, there are others that have trapper and they do
7 a lot of cutting and trails have to be made and stuff
8 like that in order to get into areas where you can't
9 get to to it at all.

10 Q. Does anybody else benefit by your
11 trails?

12 A. Well, I always think this is quite
13 good. We were cutting a trail from one lake, from
14 Alfred Lake and then to -- from (inaudible) to Alfred
15 and then several small lakes and then into a lake which
16 is named Whiteass Lake and we -- Irving was my trapping
17 partner at that time and we spent several acres
18 covering this particular area and cutting the trail.

19 It was strange. We cut through and we
20 had finished on the weekend and then we came back. I
21 guess it was Tuesday or Wednesday or so of the next
22 week that we were going back to set up and we were
23 travelling along and I said: Someone is on this trail
24 right now. In this day and age with snow machines and
25 four-wheel drive machines, no sooner do you have a

1 trail cut there is somebody going to be on there.

2 There is no question about it.

3 We travelled through, set up our --

4 making sets as we are going along and when we arrived
5 in Whiteass we came down and, sure enough, across the
6 lake we could see smoke. So we thought: Well, there
7 is something there, so away we went and two MNR boys
8 were there, had a fire going for us and having lunch.
9 So we sat down and had lunch with them and they said:
10 Listen, glad you fellows came along and helped us with
11 the trail. So it was cut anyway.

12 We cut trails and that's great. It is
13 there for the public to use, I suppose.

14 Q. If we can move from trails to roads.
15 I take it that must be a concern to trappers, roads
16 going in?

17 A. Yeah.

18 Q. What has been your experience in the
19 past about how your concerns have been dealt with about
20 where roads go or don't go or whether they are opened
21 or closed?

22 A. Well, it really hasn't bothered
23 trappers. Mind you, personally I would like to see
24 roads -- I think the question was asked earlier. I
25 would like to see roads opened.

1 Now, the fact that I'm a trapper I
2 have -- I mean, I'm able to travel these roads. I
3 don't have to have permission to use these roads.

4 Q. So what authority would you like to
5 have or would you think would be appropriate for the
6 trappers on a stakeholders' committee?

7 You talked earlier that you wanted to
8 have some input?

9 A. Oh, definitely. I definitely feel
10 that. You know, it's a vital industry, there is no
11 question about it. We are at a low right now and
12 hopefully -- I just saw the results of the last sale
13 that Hudson Bay had and there definitely is an up from
14 the last two sales, and there is the possibility of the
15 formation of a trappers open house either in North Bay
16 or Sault Ste. Marie or somewhere.

17 You know, it's a vital part of the
18 northern community. In my case, if I make 1,200 bucks
19 or 2,000 bucks or 5,000 bucks on a trapline or if I
20 loss \$1,200, it's not going to break me because I'm not
21 dependent upon the trapline for my livelihood.

22 A. However, there are more people in
23 this area that depend on trapping for their livelihood,
24 and I feel that it's in their interests that there
25 should be -- the trappers should have a bit of a say.

1 Now, I don't know how or -- but there
2 should be a forum in place for us to voice our
3 concerns.

4 Q. And would that be able to deal with
5 how and when the trees are cut and...

6 A. Pardon me?

7 Q. The information that you would want
8 to put in would relate, I take it, to how and when the
9 trees are cut so as not to disturb your trap lines?

10 A. Yes, mm-hmm, mm-hmm.

11 Q. I suppose the other question is
12 always whether they should be cut?

13 A. Yes, that's right. I mean, there are
14 areas that we would like to stay put.

15 Q. Okay. I understand that you
16 mentioned that there were -- were there open houses
17 specifically for trappers such as the Mount Jamie Road?

18 A. Well, no, I...

19 Q. Were there ever open houses for
20 trappers in the...

21 A. No, no, there never has been any open
22 houses per se. We do have, you know, our trappers
23 council meetings, of course, and MNR fish and wildlife
24 personnel are always in attendance and, you know,
25 discuss our problems with them.

1 There's the trappers training courses
2 that are put on by the MNR just about every year for
3 the benefit of the trappers, so...

4 MR. TOBIN: All right, thank you. Those
5 are my questions.

6 MADAM CHAIR: Thank you, Mr. Tobin.

7 If it's agreeable with you and Mr.
8 Gouriluk, we can have lunch now and come back and
9 proceed.

10 MR. TOBIN: Fine.

11 MADAM CHAIR: All right. We will take
12 lunch and we will return at 1:30.

13 ---Luncheon recess taken at 12:10 p.m.

14 ---On resuming at 1:30 p.m.

15 MADAM CHAIR: Mr. Tobin, is it your
16 intention to have Mr. Gouriluk cross-examined now, or
17 would you want to examine Mr. Coppen first?

18 MR. TOBIN: No, I was going to examine
19 Mr. Coppen first.

20 MADAM CHAIR: All right.

21 MR. TOBIN: Q. Mr. Coppen, where do you
22 reside, sir?

23 A. Red Lake.

24 Q. And how long have you lived here?

25 A. 20 years.

1 Q. What is your employment now?

2 A. I'm self employed as a tourist
3 outfitter.

4 Q. Okay. What's the name of your
5 outfit?

6 A. Loonhaunt Enterprises, it's all
7 encompassed now.

8 Q. And how long have you been carrying
9 on this business?

10 A. 14 years.

11 Q. This I take it, is it a fly-in and
12 fly-out camp?

13 A. Everything we have is fly-in, yes.

14 Q. Okay. And have you held any
15 positions or done any work for any organizations
16 dealing with tourist outfitters?

17 A. I was -- I forgot the official title.

18 Q. The Red Lake Tourist Outfitters
19 Association?

20 A. I forgot what my official title was
21 there, chairman, chairperson, something like that.

22 Q. All right. And just generally what
23 type of issues did that group deal with?

24 A. Resource issues and access issues.

25 Q. Are these the types of issues that

1 you as a tourist operator deal with with MNR, with the
2 Ministry of Natural Resources?

3 A. Yes.

4 Q. All right. And from your experience
5 what, if any, process is there that you have been able
6 to follow to have your concerns addressed and dealt
7 with?

8 A. I don't think there is a process, a
9 real process.

10 Q. Okay. Well, what in general terms
11 have been your experience, how have you been able --
12 what did you ever do to have your concerns made
13 known and how, if anything, were they acted on?

14 A. This whole thing is very frustrating
15 for me. I don't think there is a process. When we
16 arrived here today Madam Chairperson, she didn't
17 welcome us to a resource management hearing, she didn't
18 welcome us to a forest management hearing, she welcomed
19 us to a timber management hearing.

20 I'm sort of the right wing here of the
21 illlegitimate industry. I'm a tourist outfitter, I'm
22 here at timber management meeting because this is about
23 as close as we get to a forum.

24 Q. Well, cut to the chase then. What
25 solutions do you see then to make?

1 A. I'm sorry, I've got to back up on
2 that one.

3 Q. Okay.

4 A. Like I said, I'm the right wing here.
5 Our whole management is based on a postulate and that
6 is the postulate that the trees are there to be cut and
7 we build roads to them, and I don't think anyone has
8 sat down and taken a real good look at what is the
9 value of an area with no roads.

10 Tourism started in this area probably 50
11 years ago and we sort of -- we built an industry around
12 this, hunting and fishing, completely renewable
13 resource and it's been going for 50 years, and I guess
14 part of the problem is we're a little too reasonable.

15 Now the timber companies are coming and
16 saying that they want the trees, and I guess what I
17 want is, when they have taken all the trees, the trees
18 are gone, I still want to be in business doing what I
19 was doing before they got here, and I don't know if
20 that can be done.

21 Q. Do you think there would be any value
22 in a tourist operator such as yourself being part of a
23 stakeholders committee? You've heard --

24 A. We sure have a large stake in it, I
25 tell you. The tourist industry is, for the most part,

1 invisible. We're various areas that tourist industry
2 are independently owned, it's all little family
3 operations. I guess if you took all of our investments
4 put them together and put them down on how we pay, like
5 a mill or something, you could get a good idea of
6 what's happening.

7 But I'm one of the smallest fly-in
8 operators here, I have a camp that's worth -- the whole
9 outfit is worth half a million dollars, I dump roughly
10 a quarter of a million dollars a year into the economy
11 of this town and I am probably the smallest operator.

12 So we definitely have a stake here. Like
13 I say, it's invisible, but we have to have something
14 other than a timber management hearing to talk about
15 the tourist resource.

16 Q. Okay. Have you found that open
17 houses that we have been talking about have been
18 helpful at all in helping you get across your point of
19 view?

20 A. No. I call them smoke and light
21 shows that's -- the last one I was at, I was so
22 depressed I haven't been to any more. It's almost like
23 they brought in a commercial advertising firm to sell
24 the concept of roads, why we need roads. I haven't
25 been back.

1 MR. TOBIN: I'll leave it at that then,
2 and those are my questions for this panel of witnesses.

3 MADAM CHAIR: Thank you, Mr. Tobin.

4 Thank you, Mr. Coppen.

5 And shall we begin the cross-examination
6 of these witnesses then, Mr. Tobin?

7 MR. TOBIN: Yes.

8 MADAM CHAIR: Mr. Cosman, will you start?

9 MR. COSMAN: Yes. Thank you, Madam
10 Chair.

11 CROSS-EXAMINATION BY MR. COSMAN:

12 Q. Mr. Gouriluk first, if I may. Sir,
13 you have been trapping for some time and you've seen
14 changes in the trapping industry over time, some of
15 which you described in your evidence.

16 A. Mm-hmm.

17 Q. Yes. And you'll agree that a serious
18 problem facing trappers today is the falling market for
19 furs brought about by the anti-fur groups?

20 A. To a certain degree.

21 Q. You hope that the latest auction, as
22 you say, might show a change in that trend, but it's
23 quite clear that there has been a falling market, as
24 you show in your statement?

25 A. Mm-hmm.

1 Q. In terms of, for example, the number
2 of marten you've caught over the years.

3 A. Agreed, yes. Now, the number of
4 marten that I've caught in the years has nothing to do
5 really with the market.

6 Q. Okay.

7 A. You know, the number of marten. I'm
8 trapping in basically the same area and the reason that
9 my marten and fisher and mink population is down is due
10 to, well, you can't hunt martens if there isn't any
11 timber out in the bush.

12 Q. Okay. Let me separate --

13 A. Okay.

14 Q. Let's deal with both, but let's deal
15 with them separately then.

16 A. Okay.

17 Q. There's been a falling market over
18 the last number of years.

19 A. Yeah, mm-hmm.

20 Q. And there's a very strong anti-fur
21 lobby which you're aware of?

22 A. Mm-hmm.

23 Q. In Europe and in Canada for that
24 matter, and the U.S.?

25 A. That's right.

1 Q. And that is a problem that is facing
2 the trapping industry?

3 A. Mm-hmm.

4 Q. And in fact a lot of trappers have,
5 like yourself as I think you've described it, no longer
6 look upon trapping as the sole source of your income
7 but it's a hobby, it's no longer a full-time
8 occupation?

9 A. That's right.

10 Q. And, sir, what is your full-time job?

11 A. Right now?

12 Q. Yes.

13 A. I guess you could say I'm
14 semi-retired, but I'm involved in various volunteer
15 work around the province.

16 Q. Okay. And before you were
17 retired...?

18 A. I was in the wholesale grocery
19 business in Red Lake here from '49 until 1975 or '80.

20 Q. All right. And if I can just look at
21 page 2 of your statement, you describe the number of
22 marten that you caught over the last few years

23 A. Mm-hmm.

24 Q. And I think you indicate that the
25 typical marten fur sells about \$50, so that says taking

1 1990 you would have had roughly \$1,500 from your marten
2 sales?

3 A. Yes. Actually the true count for
4 1990 for this season is 54.

5 Q. 54.

6 A. Yeah, that's about right.

7 Q. For 1991?

8 A. Yeah.

9 Q. Okay. And in 1989 you had 60 furs,
10 so you would have -- 60 marten furs and for which would
11 have generated some \$3,000?

12 A. In that range, yes. It could be a
13 little higher.

14 Q. And you indicated I believe that
15 marten represents about 75 per cent of dollar sales
16 from your operations, you'd have to add on the 25 per
17 cent--

18 A. Yeah.

19 Q. --to give you the full revenue from
20 your trapping?

21 A. That's correct, yeah.

22 Q. Okay. So say taking -- there's
23 3,000, you would perhaps have another 750 to a thousand
24 perhaps on top of that. This year it would be less
25 than that, but --

1 A. Yeah.

2 Q. And that is why trappers such as
3 yourself have had to take other full-time occupations
4 to generate an income?

5 A. Mm-hmm, mm-hmm.

6 Q. And when you indicate that trapping
7 has become a hobby rather than an occupation, and I'm
8 quoting from your statement, is that true for a number
9 of the other members of your trapping association?

10 A. I think in the Red Lake area that's
11 true but, however, when you're referring to the native
12 trappers, I think --

13 Q. That's a different thing.

14 A. That's a different thing, yeah,
15 mm-hmm.

16 Q. Now, you indicated that you've had
17 good relations with the MNR people, including Mr.
18 Sidders, the timber person, and the kind of relations
19 that you would have with respect to the MNR would be,
20 you would meet with them to deal with the kind of
21 issues that you described, where is the cut going to
22 take place, when, buffer zones and strips as your the
23 counsel -- the counsel for CASIT explained, so you want
24 to know that and you want to have an impact on that
25 because that has an impact on your trapping?

1 A. Yes, yeah.

2 Q. And you have found the MNR to be
3 helpful to you in that?

4 A. Generally, yes, but as I pointed out
5 they have been helpful, however, I would like to be at
6 the ground floor.

7 Q. You would like to be on any
8 stakeholder committee?

9 A. Yes.

10 Q. Or advisory committee?

11 A. Yes.

12 Q. Or whatever you would want to call
13 it, that's set up at a local level?

14 A. That's right.

15 Q. And you would feel that would be
16 important?

17 A. I would feel that would be important,
18 either myself or any other member of the trappers'
19 council.

20 Q. And you indicated with respect to
21 roads that you would like to see roads open, and that's
22 because as a trapper that gives you access to different
23 trapping lines?

24 A. That's true, yes.

25 Q. So you would disagree with your

1 colleague on the panel on that issue?

2 A. Yes, I realize that.

3 Q. And that is an issue in the
4 community.

5 A. That's right. And I think that this
6 issue should be dealt with at the community level,
7 rather than at the district level.

8 Q. All right. Thank you very much, Mr.
9 Gouriluk.

10 Mr. Coppen, I appreciate that you feel
11 that perhaps you're in the wrong place, but you do
12 understand that this is a timber management hearing.

13 MR. COPPEN: A. That's the way the world
14 is.

15 Q. And you express a lot of
16 dissatisfaction, unlike your colleague on the panel,
17 with respect to the process. You describe the MNR as
18 the Mafia, and you describe them as -- they're open
19 meetings as sound and light shows and so you haven't
20 been going to meetings in the last little while.

21 A. No.

22 Q. So it would take some -- would you
23 agree with him that tourist operators, like trappers,
24 like timber people, should be members of a local
25 community stakeholder committee that are very involved

1 in local community decisions?

2 A. Definitely, yes.

3 Q. Okay. And just doing the reverse of
4 what I did with Mr. Gouriluk, for a fly-in operator,
5 and I think you express it in your evidence here, in
6 your statement, you don't want roads, it really impacts
7 on you as a fly-in operator and on other members of
8 your industry?

9 A. Well, yes. I sell remoteness,
10 wilderness and, you know, we are on the road to making
11 this look like Wisconsin and they don't have --
12 tourists don't have to come here, they can go to
13 Wisconsin.

14 Q. And you would agree that there are
15 different views and a conflict within the community on
16 that issue, for example, this is a significant mining
17 community and the residents of this community who work
18 in the mines want to have access to recreational
19 activities and so they -- whereas you don't want that
20 to happen because it's going to impact on your
21 business, the residents of this community who work in
22 the mines want to have access to recreational
23 opportunities, and that's an inherent conflict this
24 Board has heard lots of evidence on as it's travelled
25 around the north.

1 You would disagree with those residents,
2 those mining residents and say: Look, you don't want
3 roads built because that impacts on me, on my business?

4 A. I guess the disagreement comes in
5 that there's so much with roads to it already, there's
6 so little left that doesn't have roads, can't we have
7 both, why make it all the same?

8 It's sort of assumed that access by road
9 is part of the natural evolution of a lake and I don't
10 agree with that.

11 Q. Okay. You say in your statement that
12 because of road subsidies that pretty good roads are
13 put in here and you don't object to timber operators,
14 you object to roads, that was sort of the point that
15 you made?

16 A. That's it.

17 Q. You are aware that effectively just
18 road subsidies or road payments have stopped and there
19 are no longer road subsidies for the building of those
20 roads; do you know that?

21 A. No, I don't.

22 Q. Okay. Now, I just want to talk about
23 tourist operators, tourist operations. You have a
24 fly-in camp, your customers, you have southern -- you
25 go to southern sports shows to get people to come up to

1 the camps?

2 A. Yes.

3 Q. I was in Milwaukee not too long ago
4 and there were a number of -- there was a great sport
5 show there with a lot of northern Ontario fly-in
6 operators trying to attract U.S. clients.

7 Would that be the kind of sports show you
8 would go to?

9 A. Exactly, yes.

10 Q. So what percentage of the people that
11 you fly in are from southern Ontario and from the
12 States?

13 A. Oh, we are almost -- in this area we
14 are almost exclusively U.S.

15 The Canadian population centres -- well,
16 someone from Toronto to come here has to drive past a
17 lot of good fishing opportunities to get here, so they
18 end up going a lot closer than coming up here.

19 We are probably the closest for people
20 from the midwest United States, but we are not the
21 closest for Canadian centres.

22 Q. So that's your market and that's
23 where you would go to attract people to come?

24 A. Primarily, yes.

25 Q. So when you talk about your 10 per

1 cent of gross for advertising revenues, that would be
2 largely spent in that part of the U.S. to attract
3 people to come here?

4 A. Yes.

5 Q. In terms of other costs that you have
6 with your operation, I think you mentioned you have
7 camp insurance and plane insurance. Those, I guess,
8 unfortunately, but those premiums go to companies in
9 southern Ontario?

10 A. Yes.

11 Q. You mentioned the advertising for
12 sport shows in the U.S. The aircraft that you fly, the
13 payments you make for that aircraft is made in the
14 south?

15 A. Yes, many years ago.

16 Q. The \$7,000 in beer that you spend
17 annually, although there are some northern beer
18 companies, most of that goes to the south?

19 A. Yes.

20 Q. It seems to be a fact of life in the
21 north; doesn't it?

22 A. Yes.

23 Q. Now, is your operation a year-round
24 operation?

25 A. No, we operate mid May until the

1 end -- well, mid May until the end of September, a
2 little bit into October.

3 Q. So you are just gearing up now?

4 A. Yes.

5 Q. You go from mid May until when?

6 A. End of September, early October.

7 Q. Okay. So clearly four to five months
8 a year?

9 A. Yes.

10 Q. And the other seven months of the
11 year the operation is closed up?

12 A. Yes.

13 Q. Are you one of those people
14 unfortunately who have to spend that in the south?

15 A. No.

16 Q. All right. The other bigger fly-in
17 operators that you mentioned, many of them do?

18 A. Well, the west and the east and the
19 south.

20 Q. Okay. Not in the area?

21 A. Not in the area.

22 Q. All right.

23 MR. COSMAN: Thank you very much. Those
24 are my questions.

25 MADAM CHAIR: Thank you, Mr. Cosman.

1 Ms. Seaborn, any questions.

2 MS. SEABORN: No questions, thank you.

3 MADAM CHAIR: Mr. Freidin?

4 MR. FREIDIN: Yes.

5 CROSS-EXAMINATION BY MR. FREIDIN:

6 Q. Mr. Gouriluk, it is my understanding
7 that in terms of your trapline area that approximately
8 5 per cent of it has been harvested in the past, in
9 that ballpark?

10 MR. GOURILUK: A. 5 per cent...

11 Q. Of your trapline area has been
12 subjected to harvest activities in the past?

13 A. I'm not exactly sure. Is that
14 something that is...

15 Q. It is an approximation that some of
16 my advisors have given to me. I am looking for
17 confirmation. Do you think it is a little higher or a
18 little lower?

19 A. I would think it would be higher. I
20 would have thought closer to 20 or 25. I could be
21 wrong but -- you know, nothing less than 20 or 25.

22 Q. It is also my information that
23 approximately 1 per cent of your trapline has been
24 approved for harvest in the present 1991 to 1996 timber
25 management plan.

1 Are you able to confirm that that
2 percentage is in the ballpark?

3 A. I can't say that for sure.

4 Q. Okay, that's fine.

5 Mr. Coppen, at the bottom of page 2 of
6 your witness statement you make the comment that in
7 relation to the purpose of a road, I think you were
8 referring to will Pine Ridge Road, that obviously
9 somebody lied to you about the reasons.

10 Now, that is fairly strong language. Is
11 that your choice of words that somebody lied about the
12 reasons and then --

13 MR. COPPEN: A. Yes, the last smoke and
14 light show I saw was about that road and why we are
15 building that road and there was a whole list of
16 reasons for that road.

17 Q. Is it possible, sir, that the
18 explanation which was given was that the road was to
19 access timber and if it was going to be built it would
20 provide for a lot of other uses, such as exploration,
21 park access and fire protection?

22 I am suggesting to you that no one
23 suggested to you that the road was going to be built
24 for all those reasons if timber wasn't going to be
25 harvested.

1 A. I guess it is like when you buy a
2 car, you listen to what the salesman says. If it isn't
3 true, all of it, he lied, and it was quite a sales
4 pitch and it was smoke.

5 Q. If timber management -- if a road is
6 built for timber purposes and that's the only reason it
7 is put there in the first place, but if it provides for
8 other uses such as exploration and parks, do you think
9 that's a good thing?

10 A. I would have to say no.

11 Q. Why?

12 A. Well, go by your example. That
13 particular road we are talking about was going to
14 impact on about three or four outpost camps and the
15 fellow who had them, he knew it was coming and he was
16 looking for alternatives and then the fire happened.

17 I mean, Jim, the fellow who had the
18 camps, the fire burned several of his camps, really
19 messed up his whole operation, but I think if you asked
20 him now what's the best thing that's happened to you in
21 the last three years he'd say that fire.

22 Q. Because the timber is not there
23 anymore?

24 A. Yes, the road stopped.

25 Q. Is he operating now?

1 A. Oh, sure. He will have bigger moose
2 hunting before long.

3 Q. He is operating out there without the
4 timber?

5 A. Right. He didn't need the timber.

6 Q. I thought you said before that you
7 need the timber to operate. Are you telling me now
8 that the tourist operator can operate in some areas and
9 quite successfully if he is selling hunting experiences
10 in a burned over area?

11 A. Oh, burns are wonderful.

12 Q. We have heard lots of evidence from
13 other people that moose tend to occupy cut-overs. In
14 fact, somebody here suggested that moose hunting was so
15 good that 40 of them were killed in one area.

16 If you are selling moose hunting
17 experiences, I am hearing evidence that it is equally
18 as good in a burned over area as it is in the cut-over?

19 A. There is the possibility for that
20 until you start aerial spraying herbicides in the
21 cut-over area that kill the feed that the moose are in
22 there to get.

23 Q. We have also heard evidence that
24 these areas are all sprayed once or perhaps twice over
25 a rotation of 70 to 100 years. Is that your

1 experience?

2 A. I guess the thing is that it doesn't
3 have to be sprayed that often because the spray works.

4 Q. Right. But after you spray it and it
5 retards this browse the moose like, after a number of
6 years it comes back and things continue to grow?

7 A. No, the purpose of the spraying is to
8 get the browse back, to get the conifers ahead and
9 that's not -- conifers aren't choice food for moose.

10 Q. All right. You made the comment
11 about roads progressing and you have wider roads and
12 why do things have to be the same everywhere, why do
13 you have to have roads everywhere?

14 A. Yes.

15 Q. My information is that approximately
16 10 to 20 per cent - and let's use the 20 per cent
17 figure - of the Red Lake District in fact is accessed
18 by roads at the present time. Can you confirm the
19 accuracy of my information?

20 A. Yes, I'm not here -- I'm concerned
21 about where we're going.

22 Q. All right.

23 A. The Red Lake District goes a long way
24 north and timber harvesting, I think in the last 20
25 years, has just gotten more into the south, and in the

1 last 10 years -- oh, they are halfway to me in the last
2 10 years.

3 Q. How far north are you from the
4 closest all-weather road?

5 A. 30 miles.

6 Q. There is only one question, Mr.
7 Coppen?

8 A. Coppen.

9 Q. I'm sorry. I keep asking my friend
10 here...

11 A. It has two P's.

12 Q. I just couldn't pass up the
13 opportunity to ask you. You compare the MNR to the
14 Mafia, some people were wondering if you think the pay
15 scale is the same.

16 I don't think you have to answer that.

17 MR. FREIDIN: Those are my questions.

18 MADAM CHAIR: Thank you, Mr. Freidin.

19 Mr. Tobin?

20 MR. TOBIN: No re-examination.

21 MADAM CHAIR: Thank you very much, Mr.
22 Coppen and Mr. Gouriluk.

23 MR. COPPEN: Could I deliver one of my
24 silly lessons now?

25 MADAM CHAIR: (nodding affirmatively)

1 MR. COPPEN: Each time I come to these
2 things, I have this bad past where I used to be a
3 teacher, and it just presents the opportunity.

4 As I sit here, I'm 200, 240 years in the
5 past, we are well southeast of here, probably in
6 Boston, we have the representatives of the Crown, we
7 have the representatives of English manufacturing and
8 we have the colonists hear saying: Look, we don't want
9 to take our raw resources and ship them to you for
10 manufacturing and then you ship them back to us. We
11 have got our own thing going here and we're happy with
12 it. Leave us alone.

13 I guess the colonists never got to say
14 that and I hope our having a chance to say it makes a
15 difference.

16 MR. MARTEL: Some of us are teachers from
17 northern Ontario also, Mr. Coppen, and we were born and
18 raised and lived our entire life in northern Ontario,
19 these representatives of the Crown.

20 MADAM CHAIR: Thank you very much, Mr.
21 Coppen, Mr. Gouriluk.

22 MR. TOBIN: I wonder if I might have a
23 few minutes with my friend. There was some material
24 that just came in through lunch hour which we had asked
25 for and I just want him to see it.

1 MADAM CHAIR: Would you like a ten-minute
2 break, Mr. Tobin?

3 MR. TOBIN: That would be very helpful.
4 Thank you.

5 ---Recess at 2:00 p.m.

6 ---On resuming at 2:10 p.m.

7 MADAM CHAIR: Are you prepared to go
8 ahead?

9 MR. TOBIN: Yes, I am.

10 Mr. Carlson needs to be sworn.

11 MADAM CHAIR: Mr. Carlson, would you come
12 up to the table, please.

13 HUGH CARLSON, Sworn

14 MR. TOBIN: This is our big witness.

15 MADAM CHAIR: Pardon?

16 MR. TOBIN: This is our big witness.

17 DIRECT EXAMINATION BY MR. TOBIN:

18 Q. Mr. Carlson, where do you live, sir?

19 A. I live in Red Lake.

20 Q. How long have you lived here, sir?

21 A. Even though I don't look nearly that
22 old I have been here for 44 years.

23 Q. What is your occupation?

24 A. I am a tourist outfitter.

25 Q. What is the name of your --

1 A. We own a main base lodge on Viking
2 Island and we own an outpost operation, outpost cabins.
3 The main base lodge was started by my parents in 1947
4 and my wife and I purchased it in the 10 years and we
5 are continuing on with the family operation.

6 Q. I also understand that you are an
7 elected official here?

8 A. Yes, sir. I am presently the reeve
9 of the township. I am completing my third year and I
10 spent six years on the municipal council prior to that.
11 So I have been nine years on municipal council.

12 Q. Are there any other organizations
13 that you belong to?

14 A. Well, of course I belong to the Red
15 Lake District Tourist Outfitters Association and I was
16 for some time the representative for NOTO, the area
17 representative.

18 I sat on the District Manager's Advisory
19 Committee when it was only the Township of Red Lake and
20 I also sat on the Regional Director's Advisory Council
21 Committee meeting.

22 Q. From that vantage point, do you feel
23 that you have the ability to speak to the social and
24 economic effects that the timber harvest has in the
25 area of Red Lake, in your district?

1 A. Well, I can see it from two different
2 perspectives; one as an outfitter and one the other as
3 the reeve of the township.

4 Q. Let's deal with the reeve of the
5 township hat that you wear. Perhaps you can advise
6 briefly what you see as the social and economic effects
7 on the township of timber harvest, both from the
8 positive and negative side?

9 A. Well, certainly in our community
10 there are a number of people who are employed in the
11 woods industry and they certainly form a very important
12 part of our local economy.

13 Q. Okay.

14 A. The negative aspects of it are that I
15 feel that we don't receive enough of a return on the
16 raw material, the product that is -- traditionally in
17 Red Lake you see the harvesting area, the devastation
18 of the harvesting area and you see the pulp trucks
19 heading down the highway.

20 We do not have the benefit of the
21 significant tax base that some of the other northern
22 communities, the processing communities have and there
23 is a disparity between the harvesting areas and the
24 refining area.

25 Q. How dependent would you say the

1 Township of Red Lake is upon the timber?

2 MR. COSMAN: I'm sorry, I didn't hear the
3 question.

4 MR. TOBIN: Q. How dependent from an
5 economic view is the township on the timber harvest?

6 MR. CARLSON: A. Like any small town,
7 you have a piece of the pie and every part of the
8 economy is important in a small community.

9 Basically the three main are: Mining is
10 the No. 1 contributor to our local economy, and then I
11 think it would probably be a toss up between tourism
12 and logging, but all three are very important in every
13 other aspect of the economy. In a small town you need
14 everything going for you that you can get.

15 Q. In the past, what, if any, impact
16 have you had, in the township's point of view, in
17 deciding or helping decide the planning of the timber
18 harvest?

19 A. Of course, we have the same avenue as
20 the rest of the public. We are notified of open houses
21 and we often -- or I guess we always attend and we're
22 always left with an invitation that the planning team
23 will come and visit the municipal council at their
24 wish. We have taken up on that opportunity and they
25 have brought their display into the town office or to

1 the council chambers to discuss the plan.

2 Q. Okay. I will come to the issue of
3 solutions in a little while. I take it how they are,
4 how they affect you as the township reeve and as a
5 tourist operator would be somewhat similar; is that
6 fair?

7 A. Well, I think -- as I said, every
8 part of our economy is important. There are some
9 tourist operators in the area that would say that tree
10 harvesting should not occur within a hundred miles of
11 their resort.

12 I have always been of the opinion that we
13 have to work together and I have been able to work
14 together with the industry. It would be nice not to
15 have any tree harvesting, but the fact of life is that
16 we have to recognize each other's legitimate right to
17 the resources.

18 Q. Okay. Dealing with your tourist
19 operator hat, do you have or have you had dealings with
20 the Ministry of Natural Resources as it pertains to
21 timber management in the operation of your business?

22 A. Yes, I have.

23 Q. And can you describe how those
24 dealings take place, whether they are formal or
25 informal, what problems, if any, have you had in the

1 past?

2 A. Quite often the process starts with
3 the open houses and they set it up in this very room
4 and they give a display of a lot of factual
5 information.

6 It's quite often overwhelming.

7 So whenever I come to one of these I
8 always look at it from my own interest because I
9 understand the particular issue that affects me more
10 than it would on a broader essential. So I tend to
11 look at the open houses as where are the roads going to
12 go that are going to be, you know, near some of my
13 interests and how will the harvesting in that area
14 affect us.

15 It's very difficult, even as an operator
16 who -- you know, I fly around the area a lot to
17 understand -- I mean, I understand the concerns west of
18 Red Lake as well as I understand the living room in my
19 own home.

20 On the other hand, when it comes to
21 Little Vermilion, which is only 20 miles away, I mean
22 there are some basic things that I understand, but in
23 order to fully appreciate the exact problems that are
24 there you have to talk to operators who are operating
25 on Little Vermilion and they would have a little better

1 knowledge of the issues.

2 Q. We will deal with the issues of
3 course which you are conversant with.

4 In your statement, you have dealt with
5 the handling of the Woodland and Caribou Wilderness
6 Park. Perhaps you can use that by way of example on
7 how the Ministry practice has affected your operation?

8 A. Well, the history of the Woodland
9 Caribou goes back into the 50's when it was just listed
10 on the map as the caribou reserve. It was on the south
11 shore of Telescope Lake and there was no hunting
12 permitted way back in the 50's.

13 In 1972, they enlarged the boundaries
14 considerably and they called it the Caribou Lake Park
15 Reserve and things were sort of left in limbo and
16 status quo and nothing happened.

17 Then the West Patricia land use planning
18 process came to be. There was much work, research done
19 on there and finally, I believe it was in 1984 or '85,
20 that the then Minister of Natural Resources, Alan Pope,
21 announced a variety of new parks. I believe it was in
22 the neighbourhood of 150, and one of them was the
23 Woodland Caribou Park.

24 Then the local district started on a
25 process, and I'm not sure whether it was called the

1 park master planning process at which there were
2 numerous open houses. I was very involved, I was very
3 concerned of the outcome, and I felt -- although I
4 never saw the final document that was prepared, I felt
5 that the final document reflected pretty much what I
6 would like to see as the outcome of the process.

7 Q. Just before you go on to that. How
8 was it that you were able to have your input taken
9 advantage of or acted upon in that process?

10 A. Well, there were the open houses
11 again in the Polish Hall here. There was a lot of
12 one-on-one discussions with the planning team.

13 I also sat in on the open houses or the
14 round table discussions that Mr. Everley referred to
15 this morning. There was one held in Thunder Bay and
16 one held in Dryden. -

17 Stansbury from the firm of Huff Stansbury
18 were the facilitators and they were trying to get all
19 the dissenting views in the room and they were trying
20 to have us pound out something that we could all live
21 with, and we were quite successful in doing that.

22 There were one or two outstanding issues,
23 but when we all sat around the table and there was --
24 you know, there was the Federation of Ontario
25 Naturalists and a bunch of those types of organizations

1 and the forest industry was there, the tourist
2 outfitters, some pretty broad municipal people and we
3 were able to just about agree on what would happen.

4 Q. It sounds as if it was almost like a
5 stakeholders' committee?

6 A. Well, it was except that -- I guess
7 in all fairness to the park advocates because they were
8 there with the given that there would be activity. If
9 they had their way, of course, we would have all been
10 lost and we wouldn't have sat at the table.

11 But the marching orders of the day were
12 that there would be economic activity in the park and
13 it would be up to us to figure out how it would come
14 about and what the end result would be.

15 So that was part of the initial part of
16 the district planning process. Then that document was
17 prepared. As Ed said this morning, he handed it to his
18 boss who handed it to his boss and it was very quiet
19 for about two years. Then on the 17th of May, I
20 believe, 1988 or '87, the then minister, Vince Kerrio,
21 announced that they were making some policy decision,
22 it was an arbitrary decision that there would be no
23 hunting in the park.

24 Q. What, if any, impact did you have in
25 that decision being made?

1 A. None whatsoever. We were all
2 waiting -- the district said: Well, we passed the
3 document up, I had spoken to the regional people and
4 they passed it on and they were waiting for, I believe,
5 the minister to sign it, whoever does that.

6 For two years there was really nothing;
7 there was no noise, there wasn't much happening, but I
8 found out later after we had these round table
9 discussions in Thunder Bay, where these people sat at a
10 table, you know, negotiating the position, of course
11 there was a change in the provincial government. We
12 had a new party in.

13 The people that agreed to the different
14 terms, I believe they left that table and went straight
15 out to try and put the knife in our backs. It looks as
16 though they were successful. Also, at the same time,
17 trapping was to be eliminated in 21 years; commercial
18 bait fishing and wild rice harvesting was also given a
19 21-year period.

20 The maddening thing was that the cottage
21 owners that were in the park, and they are by and large
22 all American people, they were given no fixed time
23 period. In other words, they told me as a wild rice
24 harvester and a trapper that I had 21 years to get out,
25 but that my neighbour across the lake who was

1 American -- well, when we felt he wanted to sell it, it
2 would be a willing buyer and willing seller
3 arrangement.

4 Q. What did you do as a result of that
5 decision?

6 A. Well, first of all the announcement
7 came just about the same time you people are here. I
8 really have many other places I should be today other
9 than here. Our first guests are arriving tomorrow and
10 my wife is mad that I am here, my brother is also.

18 I have given you a copy of it.

19 MR. TOBIN: I handed out copies to my
20 friends.

21 MADAM CHAIR: This will it Exhibit 1827.

22 ---EXHIBIT NO. 1827: Letter from Mr. Carlson to the tourism industry consultant.

24 MR. TOBIN: Q. What is this letter, sir?

25 A. Well, this letter is a follow-up to

1 my request of September the 9th to the district -- what
2 does he call himself, the tourism industry consultant.
3 I mean, I knew what impact no hunting had on my own
4 business, but I wasn't aware on a park-wide basis.

5 So, as you see there, he did a tally of
6 all the economic benefits and the bottom line was that
7 the hunting in Woodland Caribou Park in the 1987 year
8 represented \$287,000 contribution to the local economy
9 and for '88, \$325,000.

10 So at the top of that page you will note
11 there that we were meeting with Mr. Kerrio on
12 Wednesday, October the 19th. We had met with him
13 earlier, but he was more concerned about having a
14 going-away party for his staff that was moving to
15 Timmins or something than he was in listening to us and
16 so we cried foul again that the minister hadn't given
17 us his ear for more five minutes. So he agreed to meet
18 with us again and it was on the 19th that we met with
19 Mr. Kerrio again.

20 I handed him this letter and said -- it
21 took me with the tourism consultant about two weeks to
22 get this prepared. I said: Don't you think you should
23 have had this information at your disposal before you
24 made a decision to arbitrarily eliminate hunting and
25 maybe have a better understanding of the economic

1 impact. In a small community, as I said before, we
2 need every little bit we can get here.

3 Q. I take it that this speaks for the
4 need for consultation with the people affected; is that
5 fair?

6 A. There was lots of consultation.
7 That's the maddening thing. I spent 15 years up until
8 that time working with the district office, and I must
9 say that the district office was very supportive and I
10 think if I was able to look at the final document that
11 I would have been quite happy with the outcome.

12 Q. What was missing then, authority?

13 A. As I said, they passed it up the
14 ladder and it wasn't signed, but in the meantime of
15 course the government changed and that, you know,
16 certainly had an effect on the outcome.

17 Q. Now, is that experience
18 representative of the dealings you had with the MNR and
19 how they have considered their policies and actions as
20 it relates to you?

21 A. Well, I think that -- I don't really
22 have any problem with the way the thing was handled at
23 the local level. I found, as Art said this morning,
24 that I had very good communication with Roy Sidders and
25 his predecessors.

1 The problem I see is the flaw in the
2 system. I feel that, as Ed mentioned this morning,
3 that the mandate is to harvest timber and I believe
4 that as other resource users we are second class
5 citizens and I have a problem with that.

6 Q. That's the flaw?

7 A. That's the flaw.

8 Q. There is a step here between the
9 local area and the province. What is the role of the
10 region so far as you have been able to determine as it
11 affects you on social/economic issues?

12 A. Well, first of all I don't believe
13 that the overall policy of timber harvesting is made
14 either at the district or the region; it's a provincial
15 policy.

16 They are given the mandate, the marching
17 orders and if I hired someone to do that job I would
18 expect them to do it, just as these people are doing
19 it.

20 Q. Let's deal with the issue of the
21 timber harvest or how the harvesting of timber affects
22 you and your experiences in the past in having your
23 concerns met and dealt with.

24 A. Again, I will have to refer to the
25 issue of Red Lake, what I'm most familiar with.

1 Q. That is fair.

2 A. And if I could just show on the map
3 just a general area of what I am referring to.

4 MADAM CHAIR: Go ahead, Mr. Carlson.

5 MR. TOBIN: Q. Is that large map an
6 exhibit already?

7 A. Actually this is the Woodland Caribou
8 Park. My lodge is situated on this lake here and
9 there's a river system that flows, it's just this
10 little tract of land here which reflects the yellow
11 area in the larger scale.

12 Q. Where is Red Lake in relation to
13 that?

14 A. Red Lake is right here and this
15 distance we are talking 20 miles right there, and so
16 this distance here is probably about a five-mile block.

17 Q. What does that blow up of that map in
18 the upper lefthand corner represent, what area from the
19 map?

20 A. It represents the area on the east
21 side of the river, this little area right in here, and
22 this what we call the Oni Creek that flows from Oni
23 Lake into Douglas where I have my main base lodge.

24 Now, prior to Roy Sidders being in town,
25 I don't know the number of foresters that have come and

1 gone through Red Lake, you know, I couldn't possibly
2 remember all their names, but it seems every time there
3 is another five-year plan almost for certain you're
4 talking to another, and I hope you stay, Roy, so we
5 can -- but everyone, you know, they are continually
6 changing.

7 And so when you speak to one individual,
8 the next time you're at the next five-year plan there's
9 someone else to talk to. And they have done quite a
10 bit of harvesting on it, would be the east side of the
11 creek over the last 10 years and, you know, on several
12 occasions --

13 MR. TOBIN: Q. Excuse me for one moment.
14 Is the Board satisfied with the map being a little
15 closer?

16 MADAM CHAIR: So far we can follow you,
17 Mr. Carlson.

18 MR. TOBIN: Okay.

19 THE WITNESS: So there has been a
20 significant amount of harvest done on the east side of
21 the river and quite -- you know, and I have been
22 involved in, you know, when the harvest should be done
23 and how, you know.

24 In one particular instance I had a block
25 of timber here that they wanted to harvest and I have a

1 trail goes between these two little lakes and I have a
2 boat cache in there and they offered that they would
3 not -- they would leave me a buffer, or there would be
4 a stand of timber left where my portage was and they
5 would cross it at only one location. I mean, there was
6 all kinds of problems associated with that. So I said,
7 no, cut the whole thing but open my trail up when
8 you're done. And, of course, that's five years ago or
9 maybe longer and, you know, it hasn't been completed.

10 But all the time that I was discussing
11 with Mr. Sidders predecessors and all the
12 correspondence, I also always said that I would agree
13 to almost anything on this side of the river but I did
14 not want the river crossed because my main wall eye
15 fishery is on there, my lodge has been operating for 43
16 years and the survival of my lodge was based on keeping
17 that river, you know, not accessed.

18 And so this year when they were doing the
19 next five-year plan they came to me with a proposal
20 where they suggested five possible alternatives across
21 the river; winter operation, no impact, and I have a
22 problem with that I'm afraid, I can't believe they
23 would cross a river and have no impact.

24 MR. TOBIN: Q. You have some photographs
25 here. Perhaps you can explain what they are and we can

1 present them to the Board.

2 A. These photographs were taken on
3 Monday morning, three days ago. These are the two
4 lakes that I referred to. I have a boat cache there, I
5 have a trail line across here, and this is where they
6 were going to leave a strip of land and I said, cut it
7 all and then reopen my trail which, of course, you can
8 walk up there and it's all cut-over, there is no way
9 you can gain access there.

10 MADAM CHAIR: What is your point, Mr.
11 Carlson, about going to cut it down. You mean, your
12 trail would then disappear?

13 THE WITNESS: The thing was that if I
14 left a row of trees standing I would be there every day
15 with a chain saw cutting out the windfall.

16 I mean, you can't leave a stand of trees
17 and expect that they're going to -- so for both of us
18 it would be better if they cut them all and open the
19 trail.

20 MR. MARTEL: They've cut but not opened
21 the trail?

22 THE WITNESS: Correct, and this is on a
23 Crown unit, it's not on...

24 Now, here's an example farther along
25 where - this is actually referred to as a trespass -

1 and this is where the operator came right down and cut
2 some big trees right next to the river, however, there
3 was a trespass.

4 MR. FREIDIN: Which area are you
5 indicating, Mr. Carlson:

6 THE WITNESS: This is along the creek.

7 MR. FREIDIN: No, which area was the area
8 where they came down where they weren't supposed to?

9 THE WITNESS: Right in there. Now, this
10 is the one that burns me the most. And there's a
11 picture of -- this is a lake, again, that was not
12 accessed and this is -- you can see the harvesting and
13 actually the picture, it's kind of an overcast day, and
14 when you're looking in there you can see this great
15 area of devastation and the area of devastation was
16 caused, this is the aerial photograph of it, there was
17 a few large spruce trees in here that gave us sort of a
18 skyline buffer.

19 MADAM CHAIR: Mm-hmm.

20 THE WITNESS: And there are two examples
21 on this same lake, I ran out of film before I got to
22 the other one, where they cut and they took an extra 12
23 or 14 or 20 trees out and where they could have left
24 something that was aesthetically pleasing, looks
25 terrible, and this is the aerial shot from where they

1 cut the trees out. (handed)

2 MR. MARTEL: When do you feel that, or
3 when you're told that they're not going to access and
4 then you get a request to consider access, what type of
5 reaction or what type of taste does it leave in your
6 mouth?

7 THE WITNESS: I get a bit angry, I guess.

8 MR. MARTEL: Is that the concern with
9 most. We have heard lots of tourist operators, while
10 it's not in this year's plan that somewhere down the
11 road in the not too distant future, even though it's
12 not in this five-year plan, one can anticipate that
13 that in fact will occur some day.

14 THE WITNESS: Well, I think that's the
15 problem with the system, and Roy is told, and here's a
16 tract of land that is a Crown unit and there is so many
17 acres or hectares of land, there's so many cunits or
18 cords of wood, our annual allowable harvest is this and
19 in order to do that you have to use the entire land
20 base. That's where the problem comes in.

21 MR. MARTEL: But part of our problem is,
22 we listened to the figures yesterday - we were going
23 over them last evening - and everybody had a different
24 set of figures on what they want for a buffer, some
25 people wanted 150, someone else wanted 300, I think we

1 had three or four different sets of figures just
2 yesterday alone.

3 THE WITNESS: I started off by saying
4 that I was reasonable and I recognized that the logging
5 industry is an important industry in our community and
6 I'm wearing my reeve's hat, but I also feel that as a
7 person because I have a lot of friends who are in the
8 logging industry and I think that we can work together.

9 And example I have is that on the south
10 side of the Telescope Lake a few years back, Boise
11 Cascade is the operator there, and I had identified an
12 area of concern and I had been dealing with the local
13 forester at the time and things were sort of in neutral
14 and I finally got a call from one of the fellows at
15 Boise in Kenora and said: Hey, you know, this thing is
16 being held up, how about if I come up to Red Lake and
17 see you and see if we can't work something out.

18 And I happened to be going to Kenora that
19 next day and so I offered to stop in and see him and in
20 a matter of two hours we were able to hammer out a deal
21 between the two of us that -- I mean, I prefaced, at
22 the start of the meeting I told him that I would rather
23 that he were a hundred miles away from me, but the fact
24 was that he was there and that we were able to work out
25 an agreement where he would have no all-weather roads

1 within a mile of the area, he would harvest the blocks
2 near the lake during the winter months, and we have a
3 written agreement and we both signed it and we took it
4 to Natural Resources and said: Here's what is going to
5 happen. And they have honoured their agreement, so
6 far, I keep a close eye on them.

7 They usually steal all the foresters away
8 from the MNR, so maybe I'll meet Roy there in the next
9 world. But there is a possibility. But I started off
10 by saying that I'm reasonable a person and I recognize
11 that the forest industry has a right to do some timber
12 harvesting; they don't have a right to do the timber
13 harvesting if it's going to mean the demise of myself.

14 MR. TOBIN: Q. And what steps do you
15 think would be best for you to take to make sure that
16 you have input, meaningful input so that doesn't
17 happen?

18 A. Well, this goes back to -- everyone's
19 been talking about the stakeholders committee and I
20 think that obviously that's the place -- we have to be
21 more than an advisory board, we have to be part of the
22 actual decision-making. Maybe we should get as much
23 money as the Mafia.

24 Q. Why do you say that, I take it you've
25 indicated you had some experience before sitting on an

1 advisory committee. What was missing from that last
2 committee?

3 A. Well, I sat on the district managers
4 advisory committee and basically -- I believe we only
5 had one meeting. Is Floyd still here. How many
6 meetings did we have, Floyd? Did we have one or two

7 MR. DRAGER: We had two.

8 THE WITNESS: Two meetings.

9 MR. TOBIN: Floyd's not sworn.

10 THE WITNESS: Sorry. But basically, the
11 district managers advisory committee was a shortened
12 version of the open house. I mean, it was -- I guess
13 if we had some real major problems with what they were
14 doing they would have listened to us and it may have
15 formed part of the outcome, but the meeting that I
16 recall was: Here's what we're doing and here's why,
17 and there really wasn't a question of, you know, do you
18 agree or do you not agree.

19 We need to have more -- we have to have
20 more influence at that level.

21 MR. TOBIN: Q. And how far should that
22 authority extend, should it be at the district level or
23 the regional level, how far would you extend it?

24 A. Well, I think the decisions on local
25 resource issues should be made at the district level.

1 Q. And what about in terms of the
2 question of accountability that have been raised
3 earlier, to whom should that stakeholders committee be
4 accountable?

5 A. Well, it could be an elected body, it
6 could be in the form of some -- I'm not really familiar
7 with the Conservation Authority, but it could be in an
8 elected capacity. It could be, in the case of Art
9 Gouriluk party, he's the person put forward from the
10 trappers, and perhaps I would be put forward from the
11 township or from -- or from the tourist association and
12 possibly be elected at that level.

13 The problem with those things are that
14 sometimes a considerable amount of time passes by
15 before you have your name on the block for re-election
16 or whatever.

17 Q. One of the things I would like you to
18 go back a bit to your dealings with the Ministry and
19 how they continue to respond to your concerns on how
20 the timber harvest likely will affect you and,
21 particularly in dealing with the access to the Douglas
22 Creek area.

23 A. Well, the letter you're holding in
24 your hand there is the one that corresponds to the map
25 on the wall behind me and maybe I'll stand up again.

1 MR. TOBIN: Perhaps this letter -- I
2 don't have that copy.

3 MADAM CHAIR: We are referring to Exhibit
4 1827.

5 MR. TOBIN: No.

6 MADAM CHAIR: Oh, another one.

7 MR. FREIDIN: I think I might have --
8 September 8 to Mr. Sidders.

9 MR. TOBIN: Yes.

10 MR. FREIDIN: To J.T. Taylor. Okay, I
11 happen to have extra copies.

12 MADAM CHAIR: Mr. Tobin, will it be
13 sufficient to put the letter into exhibit without the
14 map, or do you also wish the Board to keep this map?

15 MR. TOBIN: I think we can undertake to
16 supply a copy of the map for the Board, that would be
17 better.

18 MADAM CHAIR: That's fine. Or if it's
19 well described in this letter, we don't need the map.

20 MR. TOBIN: You'll probably need the map.

21 MADAM CHAIR: All right. And also I'm
22 going.

23 MR. TOBIN: Make the photographs an
24 exhibit.

25 MADAM CHAIR: Do you want me to do that

1 now.

2 MR. TOBIN: Now.

3 MR. FREIDIN: We will make a copy of that
4 map for the Board, Madam Chair.

5 MADAM CHAIR: Is that agreeable to you,
6 Mr. Tobin?

7 MR. TOBIN: That's fine, Madam Chair.

8 MADAM CHAIR: Before we proceed we will
9 make these four exhibits that Mr. Carlson has given to
10 the Board Exhibit 1828.

11 1828A will be photograph No. 1 and it is
12 a picture of a cut-over in which Mr. Carlson claims a
13 trail between -- his trail between two lakes was
14 cut-over and has not been replaced.

15 Photographer 1828B shows an encroach or a
16 trespass into a reserve area on the east side of the --
17 what is the name of the creek, Mr. Carlson?

18 THE WITNESS: Oni Creek as I refer to it.
19 There's some discussion as to whether it's the Oni
20 Creek or Douglas Creek.

21 MADAM CHAIR: All right.

22 THE WITNESS: Douglas or Oni Creek.

23 MADAM CHAIR: 1828C will be a picture
24 showing a sparse buffer in what is supposed to be a
25 skyline reserve.

1 THE WITNESS: What should have been a
2 skyline reserve.

3 MADAM CHAIR: What should have been a
4 skyline reserve. And Exhibit 1828D is an overhead shot
5 of the same sparse reserve area showing an area that
6 had been cut-over.

7 ---EXHIBIT NO. 1828A: Photograph No. 1, picture of
8 cut-over in which Mr. Carlson
9 claims his trail between two
 lakes was cut-over and has not
 been replaced.

10 ---EXHIBIT NO. 1828B: Photograph No. 2, encroach or
11 trespass into reserve area on
 east side Oni Creek.

12 ---EXHIBIT NO. 1828C: Photograph No. 3, picture showing
13 a sparse buffer in what should
 have been a skyline reserve.

14 ---EXHIBIT NO. 1828D: Photograph No. 4, overhead shot
15 of the same sparse reserve area
 showing area that had been
 cut-over.

16
17 MR. COSMAN: Madam Chair, for the record
18 can we just have confirmation, because all those
19 photographs are in respect of the Red Lake Crown Unit?

20 THE WITNESS: Yes, they are.

21 MADAM CHAIR: Crown management unit.

22 MR. COSMAN: Crown management unit.

23 Thank you.

24 MR. FREIDIN: The last two pictures, the
25 one where they cut down part of what was to be a

1 skyline, was that on Douglas Creek or Douglas Lake?

2 THE WITNESS: Oni Creek. It was on the
3 east side of Douglas or Oni Creek.

4 MR. FREIDIN: Okay.

5 THE WITNESS: Which is in the Crown unit.

6 MR. TOBIN: Mr. Carlson, perhaps you can
7 explain --

8 MADAM CHAIR: This will be another
9 exhibit.

10 MR. TOBIN: Yes, please.

11 MADAM CHAIR: Okay. Exhibit 1829 will be
12 a September 8th, 1990 letter consisting of four pages
13 to Mr. Carlson from Mr. Taylor the Red Lake District
14 Manager from the Ministry of Natural Resources.

15 ---EXHIBIT NO. 1829: Four-page letter dated September
16 8, 1990 to Mr. Carlson from Mr.
17 Taylor, Red Lake District Manager
18 MNR.

19 MR. TOBIN: Q. I think for the record, I
20 don't know if this went in, Mr. Carlson when were the
21 photographs that just formed 1828, when were those
22 pictures taken?

23 A. Monday morning, three days ago -- or
24 two days ago. What's today, Monday morning.

25 Q. Monday, May the 6th, 1991?

A. Yes, sir.

1 Q. Now, perhaps you can deal with this
2 last point regarding your involvement with the Ministry
3 and its dealings with Douglas Creek?

4 A. Okay. Initially I was contacted, I
5 had attended the open house and then I was contacted
6 personally by, I believe it was Roy or possibly Roy's
7 predecessor to suggest that they were considering
8 crossing the Douglas or Oni Creek, the creek that I had
9 on many occasions prior -- that was my last hold, that
10 I would not concede to any crossing of the creek - of
11 course Roy didn't have the advantage of that
12 information.

13 They outlined the different blocks of
14 timber that they wished to harvest and they outlined
15 five possible crossings, winter crossings, no impact,
16 or little impact crossing.

17 Q. Are those five points marked on the
18 map?

19 A. The five red circles, and the blocks
20 of timber they wanted to harvest were block A in the
21 top, B in the middle, and C and D down in the bottom
22 left.

23 And then on the second and third page
24 they do an analysis of the cost of road building to get
25 into the point and, of course, they demonstrate that

1 the five crossings of the creek would be the most
2 economical to access the wood that the province
3 mandates is in the Red Lake Crown Unit.

4 My suggestion to them was to enter from
5 the bottom corner. There's a road presently just about
6 at the bottom of the map. This is the Boise unit
7 boundary right here and the Crown unit boundary, and
8 they included that particular scenario, and that being
9 the first scenario and the most expensive one.

10 The problem I had with that scenario was
11 that there's a big block of thing here in the white
12 which is neither block A, B, C or D and I suggest that
13 if that particular block of timber were plugged into
14 the figures it would then bring the cost per unit more
15 in line with the other alternatives, and that is the
16 stage where we're at at the present time.

17 This cut is not in the next five-year
18 plan but certainly it will be around the corner before
19 long.

20 Q. And is this the only way that you can
21 make the concerns known through these negotiations or
22 discussions with the MNR?

23 A. Well, I think in all fairness, the
24 people that come in and work for the MNR don't know all
25 the local issues and I think they rely on us to provide

1 them with some of the history and, I mean, I fully
2 accept that as my responsibility. In a perfect world
3 we would know our future all the way down and we would
4 not have to, you know, sit up worrying about things.

5 But I certainly intend to participate in
6 all the -- even though I have been somewhat frustrated
7 with the process, they can always count on seeing me
8 here and causing as much trouble as I can.

9 Q. Okay. Getting back to the process, I
10 understand that you said you were on the regional
11 advisory committee as well?

12 A. I was on the regional advisory
13 committee. It was actually quite an active committee
14 and there was a very broad cross-section of individuals
15 on that committee, but I understand that it wasn't
16 broad enough for some peoples' liking - and I never
17 heard this from any official source - but somebody
18 whispered to me that, and I don't remember the groups,
19 that they wanted to be on this advisory committee, and
20 this particular regional director was told that they
21 were going to be on the committee and his reply was:
22 Well, fine, they're on the committee, there will be no
23 more meetings, and there were no more meetings, but
24 whether this actually happened or not I don't know.

25 Q. What would be your suggestions to

1 make -- or should there be a regional advisory
2 committee or what should happen in that area?

3 A. Well, as I said before, I think the
4 resource allocation issues and decisions should be made
5 at the local level. We have noticed -- we found out
6 with the park issue there's a lot of people in big
7 populated areas that have tremendous political clout
8 that are very influential in determining our future. I
9 have problems with that.

10 Q. Earlier in your testimony you talked
11 about being an active participant in open houses and
12 zeroing in on what you thought was important to you,
13 from your experiences, can you advise how accessible or
14 understandable the overall information at these open
15 houses is to the members of the public generally?

16 A. Well, if you look at the five-year
17 plan I think there's 10 volumes in the five-year plan
18 and, you know, I find -- I'm not familiar enough to be
19 able to go in and find what I'm looking for.

20 At the open houses they have all that
21 information here and it's a pretty complicated document
22 and I don't feel qualified.

23 Q. All right. I'll deal with that.

24 MR. TOBIN: All right, if the Board would
25 allow me a minute.

1 Q. And in dealing with regional issues,
2 perhaps you can give me some rationale why local areas
3 should be -- local advisory committees should have a
4 say in what goes on in the local area as opposed to the
5 region?

6 Are there any factions within the
7 regional committee that are not with the local level?

8 A. Well, certainly, you know, as a
9 municipal person you're always attending -- we have
10 really three levels of lobbying and one of them is the
11 Kenora District Municipal Association, the next step
12 from there is the Northern Ontario Municipal
13 Association, and then finally the Association of
14 Municipalities of Ontario.

15 Now, if for example Red Lake has a
16 burning issue that they want to get all the way down to
17 the politicians in the south, it first has to pass the
18 Kenora District Municipal Association and then it is
19 forwarded on to NOMA, Northern Ontario Municipal
20 Association, and if it's ratified there, then it would
21 go to the all-provincial body.

22 The problem comes - and it's the same
23 with the Chambers of Commerce when you're trying to get
24 resolutions on up the ladder - the problem comes that
25 when you're sitting as Red Lake at the Kenora District

1 Municipal Association and perhaps you have an item on
2 the agenda, a resolution that in some way might
3 compromise the viability of the Kenora mill or the
4 Dryden mill or the Fort Frances mill - and, of course,
5 those conventions are generally held in the larger
6 communities - you have a very difficult time getting a
7 resolution through KDMA that might in any way curtail
8 the viability of a pulp mill just by the fact that
9 Dryden and Kenora and rightly so, they're looking after
10 their own interests, and the same thing is at the NOMA
11 level.

12 And so it's very difficult as a resource
13 harvesting community to get the message on up the
14 ladder in the normal chain of communication.

15 Q. I take it this demonstrates another
16 need for cooperation and balancing the different
17 interests of the parties in this region?

18 A. Definitely.

19 Q. Okay. What, I suppose from an
20 economic benefit or from a logging or the timber
21 harvest, do you see is the biggest difference between
22 these regional panels as opposed to the Red Lake
23 insofar as perhaps taxation is concerned and what
24 benefits are let to the community?

25 A. Well, at the recent municipal affairs

1 each -- I believe it's in November of each year sends
2 out a document that lists the average municipal
3 household costs across the community and Red Lake has
4 the highest taxes from Long Lac and Manitouwadge to the
5 Manitoba border.

6 And although we have some -- we have a
7 very nice new MNR building, we have a lot of the
8 infrastructure in town, we do not at this time have the
9 benefit of a nice recreation facility, our roads, we
10 have poor-man's pavement on most of our road surface
11 treatment.

12 If you go to Kenora, Dryden, Fort Frances
13 you see a lot of pavement around there. It's just that
14 they obviously have a larger tax base, and the
15 difference is that they have the mill, the big tax
16 contributor and it shows in the rates that the citizens
17 have to pay for municipal taxes and it also shows in
18 the level of facilities in the communities.

19 MR. TOBIN: Okay, thank you. Those are
20 my questions.

21 MADAM CHAIR: Thank you.

22 MR. MARTEL: At one time mining used to
23 have a form of payment when it was not in a
24 municipality and the municipality needed some of the
25 assessments and these have a very complicated formula.

I was just wondering if your association or the various municipalities rely on -- who don't have a tax base with a mill in it, have attempted to model some sort of assistance in that fashion so that you get some of the resources back that leave or never get here in the first place.

THE WITNESS: Well, I think like all other communities we have a grant. We get - what do they call it - the resource equalization grant, but still, when you look at the different communities, I mean, even a community like Kenora or Dryden gets a resource allocation grant.

But looking at it in very simple terms, I mean, they have nice paved roads and curbs and gutters and everything. They have large libraries and, I mean, they are larger communities than we are, but they have swimming pools and they have all the recreation facilities that we in this municipality have a very difficult time to afford, and yet our taxes in Red Lake, as I said, they are the highest from all the way across the northwest.

Thunder Bay is second. I mean, everybody thinks that Thunder Bay has got the highest taxes, they're second to Red Lake. Our average municipal costs are \$1,500, Thunder Bay at 13 and Kenora at 1290

1 is in third place. Dryden is now around the thousand.

2 We have the highest taxes and you go out
3 and look at our streets, we have surface treatment,
4 poor man's pavement, and we have a hard time getting
5 enough money to do that.

6 MR. MARTEL: Well, that's why I'm asking
7 you if you have ever looked at a different type of
8 formula that would be similar to the old mining tax
9 payment?

10 THE WITNESS: Well, the only example I
11 can think of --

12 MR. MARTEL: Because at one time
13 everything that came from underground left town and
14 there was no assessment against anything underground,
15 and we used to have a complicated formula that saw some
16 revenue coming back.

17 Obviously what you have is inadequate to
18 meet your needs, and I'm just wondering, and I asked
19 one of your representatives when they made a
20 representation in Dryden I believe if some -- if in
21 fact that sort of formula of getting back whatever -
22 for example, if I can just throw a name out, but don't
23 hold me to it - if Boise who has a mill somewhere has a
24 number of draws from this area for a certain amount of
25 its fiber, is there not a way that one can negotiate

1 with the provincial government to get a cut of the
2 action from that back to here, as opposed to it all
3 resting exclusively -- it's just an avenue that might
4 be explored.

5 THE WITNESS: It would certainly be
6 desirable. The only thing I can -- first of all, the
7 mines in our area are in our neighbouring municipality.

8 The only example I can think of of what
9 you are talking about is in Marathon recently where the
10 Hemlo gold find was out of the municipality there was a
11 special fund given I believe to Marathon, Manitouwadge
12 and White River to offset some of the costs of the
13 infrastructure for providing the service to the miners.

14 But I'm not aware of where there's a
15 deposit we can tap into to create a little more equal
16 scenario.

17 MR. MARTEL: In the Sudbury District, of
18 course, that's what created regional government, was to
19 get back -- because most of the mines in fact were
20 outside, were in either Falconbridge and Levack, and
21 although the rest of the area provided the place for
22 all of these people to live, like Sudbury, like Valley
23 East and so on, it was only a form of regional
24 government that allowed them to share in the taxes.

25 THE WITNESS: We made overtures to our

1 neighbours in the last couple of years, an
2 amalgamation, and they interpreted it as -- we proposed
3 marriage and they interpreted it as rape and it never
4 went anywhere.

5 It seems that the municipal people and
6 municipal affairs are quite reluctant to get involved in
7 the cross fire. I mean, if there was some leadership
8 of the province I think some of those things would come
9 to pass.

10 MADAM CHAIR: Mr. Cosman, would you like
11 to...

12 MR. COSMAN: Thank you, Madam Chair.

13 CROSS-EXAMINATION BY MR. COSMAN:

14 Q. Mr.. Carlson, we have had a pretty
15 good picture of your community under the spring
16 sunshine. I would like to expand on it, putting your
17 hat back on as reeve. Can you tell us a little bit
18 about the mines that are operating in the area. What
19 mines are operating in this area?

20 A. In our municipality there are no
21 mines. There are two mines operating in the
22 neighbouring municipality of Golden, Campbell Red Lake
23 and Dickenson -- or Arthur White Dickenson Mine.

24 Q. In the township of Red Lake itself,
25 you indicated, I believe, I guess the mining sector was

1 the most important economic sector.

2 Are you talking about the number of
3 full-time employees in the mining sector when you were
4 making that statement?

5 A. Yes. I view the two municipalities
6 as one area basically and mining is definitely a major
7 economic factor.

8 Q. What percentage would you say, in
9 rough terms, it comes to?

10 A. I don't have any numbers, but I know
11 that a lot of the people who work at the local mines
12 live in the Township of Red Lake.

13 Q. In terms of the other two important
14 industries in your area, the harvesting sector and the
15 tourism sector which you said were roughly on balance
16 or roughly equal, what would be the number of full-time
17 employees in each of those sectors that are residents
18 in Red Lake? Do you know that?

19 A. I don't have that information, no.

20 Q. All right. You gave an example --
21 just changing the subject. You gave an example of an
22 issue in which you dealt directly with a Boise Cascade
23 forester and you came to a resolution of a particular
24 issue in a couple of hours and entered into an
25 agreement that is operating today.

1 Would you welcome a system that would
2 permit you and other tourist operators, such as
3 yourself, to deal directly with company foresters in
4 that kind of way?

5 A. Well, it's sort of a stakeholders
6 thing at the smallest number really. It's me and they.

7 The problem that I alluded to earlier is
8 a a lot of people in my business are not -- they may
9 not be reasonable and they may not wish to sit down and
10 have that sort of an issue resolved.

11 Q. So when you have that kind of
12 situation, the latter kind of situation where there is
13 a a conflict between two different perspectives, how
14 would you propose that it be decided?

15 A. Maybe guns ond Main Street at twelve
16 o'clock or something.

17 I look at this only creek crossing issue.
18 I mean, I was not negotiable on that. I mean, for me
19 to -- Roy offered to come out to our resort and meet
20 with us and discuss it. I said: If you are coming to
21 talk about crossing the river, don't come. My wife, of
22 course, is much more obliging and said: Come any way
23 and you can have coffee, and he did come.

24 That particular issue, as far as I'm
25 concerned, will not be resolved if they are talking

1 about crossing the river. I will never agree to it.
2 Who knows, I may even take to bare arms or something
3 and shoot the bulldozer that comes. I don't know what
4 I will do.

5 Q. Hopefully it won't come to that.

6 Let's deal with it on a hypothetical basis.

7 In your community, when a tourist
8 operator has an irreconciable difference with another
9 sector of the economy, let's say the forestry sector,
10 on this kind of issue, where a decision has to be made,
11 where both sides are as firm as you are, as firm in
12 their resolve as you are, as you just expressed the
13 issue that is important to you, who makes the decision?

14 A. That's a good question. I don't have
15 an answer. I mean, I guess assuming all the
16 information is there, the different values that are
17 involved, I guess ultimately the higher authority would
18 have to make the decision.

19 Q. If it can't be worked out?

20 A. If it can't be worked out. You know,
21 I have a somewhat philosophical problem with all these
22 open house. It would be wonderful in a perfect world
23 where we were paying all these fellows these big high
24 salaries they were talking about to manage our resource
25 and yet we really have to be involved ourselves as

1 well. I mean, it is a big enough issue that all the
2 stakeholders have to be involved in the decision.

3 Q. So let me put it this way then. We
4 don't, unfortunately, live in that desirable world, the
5 perfect world, but if we can resolve it one on one like
6 the way that you did with the Boise forester that would
7 be desirable?

8 A. That's desirable definitely.

9 Q. If it can't be resolved in that
10 fashion, hopefully it can be resolved through a
11 community based citizens group, ratepayers group,
12 stakeholders, whatever you want to call them, and if it
13 can't be -- would that be the second step?

14 A. Then we would have to go to the
15 courts after that and make all the lawyers happy I
16 guess.

17 Q. That may be the third step and that's
18 what they are doing in the U.S.

19 Maybe the third step is to go to that
20 higher authority, whether that's the courts, whether
21 that's the Ministry in the first instance, that sort of
22 has to be the process in place to deal with these kinds
23 of disputes; is that fair?

24 A. Certainly, they have to be resolved.

25 MR. COSMAN: Thank you.

1 MADAM CHAIR: Are you finished, Mr.
2 Cosman?

3 MR. COSMAN: Yes, thank you.

4 MADAM CHAIR: Ms. Seaborn?

5 MS. SEABORN: Just one question, Mr.
6 Carlson?

7 CROSS-EXAMINATION BY MS. SEABORN:

8 Q. In relation to the issue you were
9 discussing with the Boise Cascade forester, was that in
10 relation to that same area that's covered by the map
11 that's up in the far left-hand corner, the blow-up?

12 A. It was right here at the bottom of
13 this yellow line here. It was in the Boise unit rather
14 than the Crown unit.

15 Q. Is that area also shown in the
16 smaller map up in the left-hand corner?

17 A. No, it's not. It will start right
18 here at the edge of this map.

19 Q. Thank you.

20 MS. SEABORN: I just had that one
21 question of clarification, Madam Chair.

22 MADAM CHAIR: You referred to that as the
23 Telegraph Lake area?

24 THE WITNESS: Telescope Lake.

25 MADAM CHAIR: Right. Thank you.

1 Mr. Freidin?

2 MR. FREIDIN: If you don't mind, Madam
3 Chair, I will stand. Mr. Martel has his Odis Form
4 here...

5 CROSS-EXAMINATION BY MR. FREIDIN:

6 Q. Mr. Carlson, I am showing you a
7 letter on your letterhead, Carlson Viking Island, dated
8 October 30, 1990. It is a letter to Mr. Sidders.

9 Could you just confirm that that's the
10 letter that you wrote in response to his September the
11 8th letter?

12 A. Definitely.

13 MR. FREIDIN: If we could mark that as
14 the exhibit, please.

15 MADAM CHAIR: This will be Exhibit 1830.
16 This letter is dated?

17 MR. FREIDIN: October the 30th.

18 MADAM CHAIR: October 30th. Thank you.

19 ---EXHIBIT NO. 1830: Letter dated October 30, 1990 to
20 Mr. Sidders from Mr. Carlson.

21 MR. FREIDIN: Q. Now, I don't think we
22 are going to have any disagreement, Mr. Carlson. I
23 just want to make sure I understand a certain number of
24 facts about this Douglas Creek area.

25 I understand that this issue about how

1 one is going to access the timber on the west side of
2 the creek is an issue which came up during the
3 preparation of the timber management plan for the the
4 1991 to 1996 term?

5 A. Correct.

6 Q. And I understand that you have had a
7 number of meeting with Mr. Sidders both before the open
8 house and after the open house in relation to how that
9 block was going to be accessed, if at all?

10 A. Correct.

11 Q. As I understand it, the reason that
12 this creek is so important to your operation is it's in
13 that creek that you actually bring your tourists from
14 Douglas Lake, you bring them down into that creek for
15 walleye fishing?

16 A. Well, up into the creek.

17 Q. Up into the creek for walleye
18 fishing?

19 A. Correct.

20 Q. I understand that when you went to
21 the open house that there were a number of alternate
22 ways shown for accessing the area on the west side of
23 the creek, most of them involving a crossing of Douglas
24 Creek?

25 A. That's correct.

1 Q. I also understand that at the open
2 house Mr. Sidders also showed the option that you
3 preferred and that was the option of taking the road up
4 from the south of Oni Lake and up through to the west
5 side of the creek?

6 A. It was mentioned, but my recollection
7 of the conversation was that it was not a very viable
8 alternative because of the rough terrain that they
9 would encounter in that...

10 Q. I understand that Mr. Sidders
11 nonetheless showed the option, but basically his
12 material indicated because of the terrain it was a
13 costly alternative?

14 A. That's my recollection also.

15 Q. Now, the concern that you have, and
16 no one is disputing that it is not a legitimate
17 concern, is about crossing the creek.

18 The suggestion was made that perhaps it
19 could be done as a winter road and you are not
20 convinced that they can do that in a way which won't
21 have an adverse effect on your use of the creek; is
22 that correct?

23 A. Well, I asked Mr. Sidders to show me
24 a river that they had crossed with no or little visual
25 impact and that I would go there myself and view it.

1 If they can convince me of such a thing, I would, you
2 know, reconsider my position.

3 Q. Okay. So it is an aesthetic concern
4 that you have about -- although they may go across in
5 the winter, what is it going to look like in the summer
6 when your tourists are on that creek fishing?

7 A. That's correct. In the back of my
8 mind was, first of all, the trespass and then the other
9 two examples - one where I have the pictures and the
10 other one where the film ran out - that show where the
11 aesthetics were not considered whatsoever. They had to
12 have those last 20 trees so that they could -- and they
13 ended up doing away with the -- whatever they call
14 that.

15 Q. Skyline.

16 A. Skyline. You sit on the lake and
17 look back up there and it looks like a dig desert up
18 there.

19 Q. All right. So that is the
20 situation --

21 A. That was in existence when I was
22 discussing with Mr. Sidders the business of crossing
23 the creek.

24 Q. You are concerned that a situation
25 might arise and you don't want to take any chance of

1 that happening?

2 A. I'm looking at what they have
3 demonstrated their ability to be and making it -- and
4 their methods on the east side of the lake are not
5 acceptable to me and I think that they're not a good
6 example of what they should be trying to do to protect
7 my industry.

8 Q. All right.

9 A. All I'm asking for is, leave that
10 last 20 trees along the lake shore.

11 Q. I understand as a result of Mr.
12 Sidder's discussions with you, in recognition of how
13 important this area is to your operation, that the
14 allocation on the west side of the lake was taken out
15 of the plan?

16 A. For this five years.

17 Q. For this five years, and that really
18 where things are at the moment, is that Mr. Sidders is
19 looking to gather further information, No. 1, to
20 determine what the actual construction cost would be of
21 that road that you prefer to see whether in fact he can
22 reconsider his information as to the cost factor.

23 He may in fact find out that it is a
24 viable option dollarwise and that's one of the reasons
25 that this has been taken out of the plan, so he can

1 look at that information; is that right?

2 A. Well, also, I think the reason it has
3 been taken out is I have a concern and it hasn't been
4 resolved, and for them to harvesting timber when an
5 issue hasn't been resolved, it would be making fun of
6 the entire process.

7 Q. Right. You mentioned in the second
8 page of this letter, which was just marked as the last
9 exhibit, that you basically said to Mr. Sidders: Show
10 me a location where you crossed a river with no or
11 little visual impact as you claim can be done.

12 Again, I suppose that's open to Mr.
13 Sidders. If he can show you and convince you, you are
14 open to that discussion as well?

15 A. I said I would go on my own time and
16 expense to look at it if such a situation existed.

17 Q. Now --

18 A. Actually I don't believe it can be
19 done is what I am saying.

20 Q. Okay. You made comment about the
21 trespass which occurred along the creek. I don't know
22 which photograph it was.

23 MADAM CHAIR: Exhibit 1828B.

24 MR. FREIDIN: I think that was...

25 THE WITNESS: Or C or D or 1,900 and

1 something.

2 MR. FREIDIN: B, you are right.

3 THE WITNESS: That's the one there.

4 MR. FREIDIN: Exhibit 1828B.

5 Q. My understanding is that after that
6 trespass occurred that the area was regenerated
7 immediately in the spring of 1989 in attempt to
8 mitigate or correct the unfortunate trespass?

9 A. The problem of course in this country
10 is to get a tree big enough that you and I can't see
11 over takes -- I only have another 50, 60 years to go
12 and I don't know if I will live long enough to see
13 those trees tall enough that I won't be able to see
14 that mess that's there.

15 Q. But the area wasn't left -- although
16 the attempt --

17 A. Well, they certainly are doing
18 everything they can to rectify the problem that is
19 there.

20 Q. Okay. Just a couple more areas I
21 wanted to ask you about. The Woodland Caribou
22 discussion that we had about the loss of hunting
23 opportunities in the park?

24 A. Yes.

25 Q. Do you have an outpost camp on Orono

1 Lake?

2 A. Yes, I do.

3 Q. When did you get that?

4 A. I got that -- my first guest was in
5 that camp on September of '89.

6 Q. And I understand that the Orono Lake
7 outpost camp was given to you partly in recognition of
8 the fact that you were losing hunting opportunities to
9 the wilderness park?

10 A. Let's say that I caused enough
11 trouble that they finally decided they wanted to shut
12 me up. They came in and asked me what I wanted, what I
13 had to have in return for my lost economics -- the
14 hunting that I lost within the park.

15 They offered me alternative hunting areas
16 identified as the only areas where they were more tags
17 were north of the 11th baseline, an area zone 1C, and
18 there are presently more tags available than there are
19 moose in the whole area. There are generally no moose
20 in those northern areas. There are a number fair
21 number of large Indian settlements in the area.

22 I told them straight out that I have
23 camps in 1C already that I cannot use for hunting
24 because there are no moose there and there are 1,950
25 surplus tags, that I can phone every August the 14th or

1 whatever that Monday on the toll free line and they
2 will give me, 10, 20 or 100 or 1,000. That's how many
3 are out there.

4 So they gave me the opportunity to
5 replace my economic loss at my cost, and the
6 opportunity they gave me basically replaces the money
7 that I lost from losing my moose hunt, but of course I
8 had to spend \$35,000 of my own money to obtain that new
9 opportunity.

10 Q. Is that the outpost on Orono Lake?

11 A. That's correct.

12 Q. Which I understand is used for
13 fishing not for hunting?

14 A. That's correct. But the scenario
15 that I think should be brought up at this point in
16 time, the argument of that, and I might add that it
17 appeared as though it was an opportunity given to those
18 of us who were in Woodland Caribou Park and had lost
19 our hunting opportunities, but in fact it was a policy
20 that they had on the books for some time and they have
21 subsequently handed it out to several other people who
22 had no lost opportunities in hunting.

23 Looking at it from a provincial scenario,
24 I look at this Orono Lake and all these other lakes
25 that have been handed out -- you are not paying

1 attention.

2 Q. I am.

3 A. I look at all these other lakes that
4 were handed out and will be handed out in the future as
5 opportunities for the people of the Province of
6 Ontario.

7 The scenario I look at is that I have got
8 a \$20 bill in each of my pockets and you take the \$20
9 bill out of the left-hand pocket and you say: Hey, I
10 will give you the \$20 bill out of your right pocket and
11 now we're even.

12 The fact of the matter is that Red
13 Lake -- the local economy lost \$325,000 in 1988 or '89
14 and lost hunting opportunities to the park, and you
15 guys are trying to -- or somebody is trying to make us
16 believe that you are giving us these other
17 opportunities that were already there for us. So the
18 net loss is that hunting opportunity and the economic
19 benefits that go with it.

20 I take exception to the fact that I am
21 being compensated because I sure as hell was being
22 compensated. I was given something that was available
23 to everybody else and there are many operators since
24 then. They did fast track the operators, they moved it
25 along in a hurry because I was making too much noise I

1 think.

2 MR. FREIDIN: Those are my questions.

3 Thank you.

4 MADAM CHAIR: Thank you, Mr. Freidin.

5 Mr. Tobin?

6 MR. TOBIN: No re-examination.

7 MADAM CHAIR: Thank you very much, Mr.
8 Carlson.

9 THE WITNESS: My pleasure.

10 MADAM CHAIR: Are we going to make this
11 map an exhibit? You are going to send us a copy of it?

12 MR. TOBIN: I think my friend undertook
13 to provide the Board with a copy of it.

14 MR. FREIDIN: Mr. Carlson can leave that
15 with us, we will make copies and we will return that
16 one to him.

17 MR. CARLSON: Are you going to make it
18 nicely coloured like this one?

19 MR. FREIDIN: Why, do you want a whole
20 bunch?

21 MR. CARLSON: Sure. Just send it to the
22 screen printer or something.

23 MADAM CHAIR: Let's give it an exhibit
24 number now. The map will be Exhibit 1831.

25

---EXHIBIT NO. 1831: Map referred to during Mr. Carlson's evidence.

MR. TOBIN: Is this large map an exhibit?

MADAM CHAIR: None of those maps is an

MR. TOBIN: I don't know where that map

MR. FREIDIN: Let the record show that I am taking this exhibit and giving it to Mr. Sidders who everyone trusts so much.

MR. TOBIN: Can I call Mr. McLeod.

MADAM CHAIR: Good afternoon, Mr. McLeod.

DAVE McLEOD, Sworn

DIRECT EXAMINATION BY MR. TOBIN:

Q. Mr. McLeod, where is it you live?

Where do you live, sir?

A. Red Lake.

Q. How long have you lived here?

A. Five years.

Q. What is your current occupation?

A. I am currently employed by the Red
Education as a Director.

Q. I understand that you have held
municipality office in the past: is that correct?

A Yes

1 Q. Where was that?

2 A. I lived in the community of Hearst
3 and I was on town council for a couple of terms.

4 Q. Okay. Given the vantage point that
5 you had in those two positions, do you feel you have
6 some knowledge on social and economic effects of timber
7 management and timber harvesting in these types of
8 towns?

9 A. Yes, I do. In addition to being on a
10 variety of advisory committees and the municipal
11 political field and doing the work that I do now, I am
12 also an ardent hunter and fisherman so I can understand
13 some of the concerns of the group, and I am also
14 related to a tourist outfitter. So I somewhat of a
15 sense of those types of issues.

16 Possibly before I start I just wish to
17 comment that if I refer to my employer as the board, I
18 am referring to the Board of Education and not that
19 particular Board. I will try to refer to it as the
20 Board of Education.

21 Q. What advisory committees were you on?

22 A. Well, in the municipal areas, there
23 are all kinds of them, from parking advisory to
24 recreation, to the association for the mentally
25 handicapped. Those kinds of things.

1 In the work I do now, of course, we have
2 some legislative advisory committees that I am not on
3 but I work with.

4 Q. I will come to that. I will ask you
5 questions regarding the insights you have in the
6 workings of these types of committee.

7 What I would like to deal with firstly
8 is, from your information how is the taxpayer or
9 ratepayer affected by what you understand to be the
10 current harvest practices, timber management practices
11 carried out by the Ministry?

12 A. Before I answer that question, I
13 would like to further expand on the first question. My
14 involvement with the advisory committee I think left me
15 somewhat quite knowledgeable on the stakeholder issue.

16 My experiences that I mentioned have
17 raised a concern that I have about the types of
18 decisions that any Ministry of Natural Resources'
19 regional group can make in relation to the possible
20 economic impact on the Board of Education because of
21 the nature of the commercial and industry base. When
22 there is an impact on the commercial and industrial
23 base on a board, it doesn't only affect trees, it
24 affects children and programs and those kinds of
25 things that I would like to talk about.

1 Q. Why don't you explain that then?

2 A. Okay. Maybe before I get to the
3 children I should talk about the effects to the
4 ratepayer because the children don't give me a
5 difficult time, it is the ratepayer that gives me a
6 difficult time when imposing a certain load on them.

7 The Red Lake Board of Education has a
8 very limited commercial and industrial assessment base,
9 and as a consequence any over ceiling expenditures, to
10 use some jargon that I will comment on, impacts a
11 hundred per cent on the local ratepayer.

12 Q. Maybe you should explain what over
13 ceiling means?

14 A. Okay. The Ministry of Education in
15 the province establishes a level of expenditure to
16 which they say boards can spend and up to that level,
17 depending on the wealth of the board, a certain amount
18 of every dollar spent comes from the province and they
19 establish this ceiling to provide an equity in the
20 province, that if my child goes to school in Toronto
21 versus my child going to school in Kenora or Red Lake,
22 that there is a basic level of education service
23 provided and guaranteed.

24 Now, over that level of expenditure,
25 boards have to provide a hundred per cent of the costs.

1 Now, it just so happens in the province today about 98
2 per cent of all the boards are operating over that
3 level of expenditure and it is arranged so that to
4 operate over that level of expenditure or at the level
5 of expenditure you can only offer a very minimal
6 program.

7 Now, in today's day and age there isn't
8 anybody offering a minimal program. There is
9 legislative requirements hitting boards all the time
10 that we live with, we react to and that cause what we
11 call the over ceiling level of expenditures.

12 So a fact of life in the province today
13 is that you are going to be over that level of
14 expenditure.

15 Q. Where does that money come from?

16 A. It comes from everybody in this room.
17 In our case in the Red Lake area, and I include Ear
18 Falls when I say Red Lake area, because of this very
19 limited commercial and industrial base of assessment we
20 get clobbered and it is a real issues. So the Board
21 has some tough decisions to make and the tough
22 decisions affect the children.

23 The types of things we end up not being
24 able to do when we don't have that base -- and I am
25 going to keep referring to that base because it is a

1 cornerstone of the concern that I have. We run what we
2 feel is a very good basic program and we don't have any
3 difficulty with that, but we can't do the things that
4 our neighbours do and there is some basic inequity in
5 that.

6 Q. Who are your neighbours?

7 A. I refer to Dryden and to Kenora, for
8 example, to both of those Boards of Education.

9 I believe or previous speaker referred to
10 an inequity with the Dryden in the municipal area.
11 Well, we have a significant inequity in education
12 because we don't have the same type of commercial and
13 industrial assessment that those people in the
14 communities have.

15 Now, that impacts on us from the point of
16 view that we can't offer the entire range of courses
17 for our secondary school students in the Ontario
18 Academic Credits, for example, what they need to go on
19 to university.

20 So in any given year we are working on an
21 independent study which is correspondence courses and
22 distance education and whatnot, and we have a history
23 of students coming to us and saying: I can't get my
24 required number of courses, therefore I might have to
25 go out of town to school and the board is trying

1 extremely hard to minimize that, but that's a tough
2 situation.

3 The range of options that we offer is
4 extremely limited because we live, as we call it, in
5 the frontier, a bit in the north. Our transportation
6 costs are significant to have our students participate
7 in the extra-curricular events. I guess our attitude
8 is because we live in the north we shouldn't be
9 penalized for those kinds of things. We accept that to
10 a degree, but those are realities that we face. We
11 can't offer the same extra things in Red Lake that they
12 do Kenora and Dryden.

13 The elementary sector, it's even worse
14 because they are important years for a child and we
15 can't offer the special education services. We can't
16 get speech pathology services here because we can't
17 afford them. If it wasn't for government initiative,
18 this helping would be extremely difficult in those
19 areas.

20 Assessment services. We don't have the
21 money for resident people to do assessments of
22 children, and despite the fact that the legislation
23 expects the Board to offer this service to parents and
24 children and so on, on one hand we have legislative
25 requirements; on the other hand we don't have the money

1 to fully meet. We do the best we can, but we see an
2 inequity out there.

3 Q. Having regard to what the Ministry of
4 Natural Resources can do, what the Board can do, what
5 possible solution do you see to the inequities that
6 you just described?

7 A. We talked a lot about or I heard a
8 lot of discussion today interest in discussing the
9 advocacy group or stakeholders advisory groups, or
10 whatever you want to call them, and I referenced my
11 earlier comments to that, and I think that's a critical
12 part of the future in helping any Ministry be proactive
13 in working with the groups of people that they have to
14 work with, and that that's not just the Ministry of
15 Natural Resources.

16 And so because I feel it's such a
17 necessary part of an operation, I think they're going
18 to have to -- or people are going to have address some
19 aspects of the stakeholder issue significantly, the one
20 of them being, for example, the terms of reference that
21 was referred to by an earlier speaker.

22 Q. I take it by now you're describing
23 how the advisory committee or stakeholders committee
24 should be set up and --

25 A. Sure, because the reason I mentioned

1 earlier that I was on a lot of these committees, I was
2 on them and there were times I felt that I was there
3 because somebody wanted to have somebody there to
4 pretend that they were being listened to, and I ended
5 up being frustrated and you end up asking yourself:
6 What the heck you're doing here, and there's nothing
7 occur, or there was certain other things that aren't
8 taken care of and the committee causes more trouble
9 than they're worth.

10 and so if we're talking about these
11 things today, I think it needs to be stated that there
12 are certain things that I think need to be addressed
13 clearly to have these committees have any degree of
14 effectiveness.

15 Q. What would those things be?

16 A. Well, in terms of reference, they
17 have to be very clearly articulated and understood.
18 There needs to be some training applied to people that
19 would be on a committee of this nature, you know,
20 working with the Ministry of Natural Resources, they
21 have some very good staff and they're skilled
22 individuals, and you bring a group of so-called
23 non-experts with them, there is -- if the intent is to
24 make it a viable group of people, there's going to have
25 to be a lot of training go on.

1 The composition of the committee was
2 talked about today, a variety of ways to get a good
3 committee. All my concern would be is that the
4 composition is designed to have it to be an active
5 committee. If I want a committee to be non-active I'll
6 make the composition make it non-active, and if you
7 want it to be active, structure it accordingly.

8 Q. How would you do that?

9 A. Well, the mechanisms were talked
10 about. There could be all kinds of mechanisms, but I
11 think it's the type of people on the committee that are
12 going to be critical to have something occur, and you
13 heard some of them here today, the people that have
14 interests and people that have interests in the bigger
15 picture. You may need a mix of those people versus the
16 vested interest people, but I just want to state, the
17 composition is critical.

18 The whole power authority issue is
19 another one, again, talked about today. Don't waste
20 any of our time, in this community or in any other
21 community, is having a committee that's not going to
22 have some vested authority.

23 And, again, we can talk all day on how
24 you would get that in place. I don't have any answers,
25 but I think it should be inherent in the design that

1 that committee would have some vested authority.

2 Q. Maybe you can deal with how much
3 power should it have, should it have veto power?

4 A. I, as working in the Ministry of
5 Education, kind of hate to have a committee -- I put
6 myself in the Ministry of Natural Resources shoes and
7 have me working with a group of people that were going
8 to veto what we were trying to do because we were the
9 so-called experts, however -- so I can't advocate that.

10 But maybe there needs to be a scale of
11 their power. In certain issues the local group with --
12 maybe they need to be -- have 90 per cent power versus
13 10 per cent, maybe when issues are larger and more
14 costly, maybe there needs to be some other types of
15 power, maybe there has to go outside, maybe there's got
16 to be a final decision on tough issues with arbitrator,
17 and I certainly don't have the expertise, nor would I
18 have any credibility if I was to sit here and say that
19 on all issues that committee has to have the ultimate
20 say, or on all issues where the Ministry of Natural
21 Resources have to have the ultimate say. I think that
22 would have to be worked out.

23 I was going to comment, I think the
24 fourth area is sphere of influence on that committee,
25 or the -- I'm not totally familiar with the definitions

1 that have been talked about, the regions and -- but I'm
2 trying --

3 Q. You're talking about the geographic
4 area?

5 A. Yes. I'm speaking from a Board of
6 Education perspective, that if we're looking at our
7 boundaries as the Board of Education that encompass a
8 fairly significant geographical area.

9 Q. Perhaps if I can show you a drawing.
10 (handed)

11 MADAM CHAIR: Thank you, Mr. Tobin.

12 MR. TOBIN: He'll speak to these
13 documents.

14 MADAM CHAIR: Do you want these as an
15 exhibit now.

16 MR. TOBIN: Yes, please, subject to my
17 friend's approval.

18 THE WITNESS: I guess the --

19 MADAM CHAIR: Excuse me. We will give
20 these two documents Exhibit No. -- the School Divisions
21 of Northern Ontario graph map will be given Exhibit No.
22 1832, and the second map will be given Exhibit No.
23 1833.

24 And could Mr. McLeod describe what this
25 is, please?

1 MR. TOBIN: Yes.

2 ---EXHIBIT NO. 1832: Graph map depicting School
3 Divisions of Northern Ontario.

4 ---EXHIBIT NO. 1833: Map depicting proposal put
5 forward by Red Lake Board of
6 Education for boundaries.

7 THE WITNESS: I kind of missed which was
8 32.

9 MR. TOBIN: The small one is 32.

10 THE WITNESS: Thanks. Yes. The small
11 map represents the existing boundaries for Boards of
12 Education in our region, which is -- sorry?

13 MR. TOBIN: Q. No, go ahead.

14 A. Which is not typical of the rest of
15 the province. The rest of the province, the boundaries
16 all abut one another and they have taken all the land
17 and divided it and, for some reason, that didn't happen
in the north.

18 And so there is an exercise in place with
19 the Ministry of Education to expand the boundaries of
20 Boards of Education. So we have all made submissions
21 and the Red Lake Board submission was initially made in
22 1987 and it did not -- wasn't processed for a variety
23 of reasons, but now the whole situation has been
24 reactivated and the map that -- the large map is the
25 proposal that our Board has put forward.

1 And, as you can see, it goes from the
2 Manitoba border down south to where the Dryden Board
3 would be probably comfortable with and north, as far as
4 we wouldn't interfere with the native population, and
5 east, I don't -- I'm not familiar with what the eastern
6 boundary is on this particular map.

7 But we proposed those boundaries because
8 if there was commercial activity the Board would derive
9 assessment from the commercial activity, consequently
10 that would increase the so-called wealth of the Board,
11 and because we would have an increase in commercial
12 assessment our overceiling expenditure, of course,
13 would be spread across a bigger assessment reducing the
14 impact on the local taxpayer. That's the philosophy.

15 Now, our proposal also was there because
16 we wanted to miss the situation that the Lake Superior
17 Board was in in relation to the Hemlo gold mines which
18 one of our previous speakers talked about, so if there
19 was a mine all of sudden come into play up here we
20 didn't want to miss that particular assessment.

21 This is a case of the Board being what I
22 call very proactive and looking at ways to survive and
23 to make our areas a little more financially viable.

24 This boundary issue ties in with -- will
25 tie in with the further comments I'm going to make

1 regarding this commercial/industrial assessment.

2 Q. Well, why don't you get right to it
3 then.

4 A. Okay. I guess the last -- the fifth
5 point that I think needs to be tabled in regards to the
6 forming of a stakeholders committee is the time frame.

7 Again, one of our earlier speakers
8 mentioned that we live on a bit of a frontier, it's
9 largely untouched at this point in time, and if there
10 ever is a great opportunity to make something work it
11 would be here because we do have a heck of a lot of
12 decisions yet to be made, and maybe this isn't the case
13 of putting -- closing the barn door after the horse got
14 out.

15 So I think that the time frame is
16 critical, that this issue of the stakeholders be acted
17 upon and formulated very quickly.

18 Q. Are you saying that the stakeholders
19 committee, something like that, should be constituted
20 quickly or it should be in power to come to decisions
21 quickly?

22 A. Well, both cases.

23 Q. Or some time frames be set for
24 decisions that have to be made once it's constituted?

25 A. If we are all serious about a

1 stakeholders committee, it would be put in place
2 quickly, they would have a fairly tight time --
3 decision-making process.

4 The fact of putting members on the
5 committee would not be extensive for time frame either.
6 I mean, any of these things that are in place that
7 extend time significantly, and I question then whether
8 or not we're serious about having the committee
9 actually working, cooperation and achieve things.

10 Q. Now --

11 A. Further solutions?

12 Q. Perhaps you can deal with your
13 understanding of how this enlarged map or enlarged area
14 would in fact be based and how your Board of Education
15 might benefit? What is the Board hoping to get by
16 having its boundaries expanded so large?

17 A. Oh. My example of a mine, for
18 example, or accessing the tourist camps increases the
19 Board's commercial/industrial assessment base which
20 reduces the impact of our overceiling expense on the
21 local ratepayer. That is what that does.

22 Q. If a Board is -- or an advisory
23 committee is constituted the way you're suggesting,
24 what, if any, benefits do you think that accrues that
25 would make it sensitive to social and economic

1 benefits?

2 A. Okay. I see them, or that group as
3 being one of the things being a very strong advocate
4 for what I would term as the best use philosophy for
5 the Ministry and the land. .

6 And to say that -- you know, I'm not
7 really conversant with what goes on with the Ministry
8 in their consultation process, and I'm aware of their
9 open houses, but I know in my business that if I have
10 to deal with individuals coming in and talking to us
11 about things, you listen to them and give them their
12 due credit, of course, but if you're dealing with a
13 highly organized group or a body, that most of the time
14 they're given a different level of attention. That's
15 just human nature, that's how organizations work, and
16 if the stakeholders group was as someone I described,
17 they would be a voice to be listened to, they could
18 actively promote, not only to people in this room and
19 to the Ministry, but to other people in the community
20 out there that don't know the issues, and they could be
21 saying that there is a best use philosophy and the best
22 use in this may be cut the timber, the best use here
23 may be fish, and the best use there may be something
24 else.

25 And I think that that would help our

1 economic base as a Board because maybe one of the best
2 uses is to get as many tourist camps going out there as
3 we can get for the simple reason that the more that are
4 out there, the more assessment we have.

5 You see, maybe there should be a change
6 in the provincial policy of only allowing a certain
7 number of camps in the region. I'm speaking selfishly
8 as an employee of the Board of Education, and maybe if
9 there was thinking going on about should more places be
10 opened up and this group was advocating best use, and
11 maybe they could say: Yeah, that's the case, that is
12 the case over there, maybe the issue that our previous
13 speaker was talking about about accessing, cutting
14 timber on a certain area in respect to the impact on
15 that particular operation as a Board of Education, if
16 that operation was in our tax area and a timber
17 extraction causes that operation to go down the tubes,
18 we have a concern.

19 So our concern on the committee would be
20 that -- would be that: Hey, you can't do that because
21 we are going to lose commercial -- in a commercial
22 assessment situation which further impacts on our
23 ability to provide an educational service.

24 MR. MARTEL: Could I ask a question now.
25 Essentially what you're saying is that you have a

1 planning board, that the stakeholders committee becomes
2 a planning Board.

3 THE WITNESS: No.

4 MR. MARTEL: Let me be the devil's
5 advocate for a moment here. You're asking for a
6 stakeholders committee, but then you take it that that
7 stakeholders committee is in fact going to do some of
8 the planning, essentially they're going to decide:
9 Well, we should have more tourist operations, we should
10 have a variety of things.

11 I understand what you're attempting to
12 do, you know. I mean, coming from northern Ontario
13 I've long worried about problems like this, but it
14 seems to me that you take it out of the realm of what's
15 mandated by an environmental assessment or out of a
16 timber management plan, that this stakeholders thing
17 almost becomes the group that is going to do the
18 planning.

19 Maybe I'm wrong, but it just appears that
20 way to me.

21 THE WITNESS: Well, I understand how you
22 might feel that way based on my comments, but I'm
23 certainly not advocating that. Earlier I made a
24 comment about the expertise that the Ministry has and I
25 also said that I would put myself in their shoes in

1 respect to a group working with education, and I'm
2 saying that -- and then I was referring to Mr.
3 Carlson's situation. I can specifically refer to that
4 one maybe to ease your mind a little bit on this one.

5 And if we had a stakeholders committee
6 sitting like that one, maybe the stakeholders committee
7 would say: Hey, so what if it costs more money to put
8 the road around here, it's going to ensure the economic
9 viability of your operation, and maybe that's just the
10 kind of support that the Ministry planning people need
11 to sell that to their regional people.

12 I have often wondered if we could take
13 any group of people, the Ministry of Natural Resources,
14 get them in the public where they take their Ministry
15 hat off and say: Okay, guys and gals.

16 MR. COSMAN: It's not hard to get them
17 in public.

18 THE WITNESS: You've got it. You know,
19 if you could wave your magic wand, what would be
20 Utopia, what would do you feel is in the best interest
21 of the Red Lake area. I wonder if they would say the
22 same thing there that they say in the plan, you know.

23 And so I think that maybe this group
24 could help influence that.

25 MR. MARTEL: That's exactly my point, you

1 see, and you put your finger right on it, what would
2 they say about a plan if they were in the public as
3 opposed to what they would really do if they could do
4 it.

5 THE WITNESS: So they need our help.

6 MR. MARTEL: Well, I mean that's -- I
7 understand what you're attempting to do, but I'm just
8 not sure it's in the realm of these stakeholders
9 committee, I guess that's what worries me, you know.

10 Is that the function of a stakeholders committee?

11 And it seems to me it goes much beyond,
12 at least what's in the Act or in the plan now, the
13 proposal before us now, whether it be MNR's or whether
14 it be what the Industry is proposing for the
15 stakeholders committee, I don't see either one of them
16 with that sort of authority or decision-making.

17 Maybe I don't understand the plan very
18 well after three years, but I don't envisage it as
19 that.

20 THE WITNESS: No, I don't think they need
21 to have the decision-making authority, but they should
22 have one heck of a strong influencing authority and if
23 it means that they are perceived that they are having
24 some decision-making authority, so be it.

25 On the best use situation too, I saw some

1 short-term and long-term issues. Our Board of
2 Education is very supportive of timber extraction, for
3 example. We have companies that if they couldn't
4 extract would fold tomorrow and we would lose a chunk
5 of assessment.

6 I mean, I could throw one out, Esker
7 Logging, with their support and their garage and we
8 derive a lot of tax dollars from that kind of spinoff
9 and there are others in the area that -- so we strongly
10 support that, we strongly support the tourists, tourist
11 business and what we're saying is that there's got to
12 be that symbiotic relationship, and there's got to be a
13 philosophy in the Ministry circles to aggressively
14 promote the commercial development of the region, and
15 at nobody's loss.

16 And that's maybe Utopia, but that's
17 basically what we look at to help our financial
18 survival as a Board.

19 Long-term, one concern, and when you're
20 aggressively do something sometimes there are things
21 that fall by the wayside. Well, the forestry industry
22 is not a renewable resource unless you make it a
23 renewable resource, and I sometimes wonder whether --
24 maybe I'll rephrase that.

25 I would hope that that there is an awful

1 lot of effort put into making sure that that is a
2 renewable resource, and maybe that is one of the things
3 from a stakeholders committee, maybe they have to have
4 an element of a watchdog, a watchdog element, maybe
5 that's not a mandate, but I'm --

6 You know, I do an awful lot of booting
7 around the north and flying around and sometimes I
8 don't know whether the trees are growing as fast and
9 thick as they should in the areas they've been cut out,
10 and I worry about that on a long-term basis, again,
11 from a financial security point of view.

12 And maybe a committee such as this can
13 raise one holy heck with the budgets that are allocated
14 to the Ministry to reforest, if that the term that's
15 used.

16 MR. TOBIN: Q. It sounds like your
17 advocating -- suggesting an advocacy role as well as an
18 advisory role for the stakeholders committee?

19 A. No question, no question.

20 Q. Okay. Dealing with those solutions,
21 I'd like to take you back to your statement that you
22 prepared and attached to it are three financial
23 statements. Perhaps you can just briefly run over --
24 do you have a copy of your statement?

25 A. I was hoping you wouldn't ask me

1 about that. Do you want me to very quickly summarize
2 those?

3 Q. Yes, very quickly. You have to go
4 into great detail.

5 A. Okay. The numbers, we went through a
6 little exercise, knowing that this was going to occur
7 and we were probably going to be questioned about, I
8 said: Now, come on folks, let's talk reality here.

9 What happens if our commercial assessment
10 was to be increased by \$5-million, what would it do to
11 our Board. Well, that's what the numbers are showing
12 in one case, that the numbers are showing, and which is
13 any education finance person will show you or tell you,
14 that the minute your commercial assessment increases
15 the impact on the local ratepayer on the overceiling
16 expenditure is lessened. That is just a fact of life.

17 One of the other charts, we drew some
18 comparisons between we and the Dryden and the Kenora
19 Boards. They have a significant, higher --
20 significantly higher level of commercial assessment
21 than us. You know, they can afford to do the things
22 that we can't afford to do, because the impact on their
23 ratepayer isn't as great as the impact on our
24 ratepayer. And basically that's all that does.

25 And, again, that's what does and I use

1 the phrase somebody else used prior to here, is maybe
2 that says there's an inequity between a harvest town
3 and a mill town, and if you -- does that answer your
4 concern on that?

5 Q. Okay. I 'm getting whispered too.
6 Perhaps if you look at the third, budgets or financial
7 statement there, it's called Secondary Panel, and it
8 talks about monies available.

9 What does that show in comparison to the
10 the other two --

11 A. It's illustrating the same things,
12 the things that I just spoke about.

13 Q. Okay. Dryden and Kenora, what is
14 that 500 and 1,124, what does that represent?

15 A. Well, I don't want to get into the
16 topic on what equalized assessment is versus pure
17 assessment, and I think it would not only confuse
18 myself in trying to explain it but it would confuse
19 everybody else in the room. My comments that I made
20 certainly suffice on this.

21 Q. I don't want to confuse anybody.

22 A. Especially me.

23 MR. TOBIN: I will leave it at that, and
24 those are my questions.

25 THE WITNESS: I should make one more

1 comment because Mr. Martel, with the former speaker,
2 actually raised the issue, and it relates to one of the
3 concerns that we discussed re stumpage and it's
4 incumbent upon a Board of Education to always look for
5 ways in which to -- politically it's the role of the
6 trustee to try and generate more dollars.

7 Well, we're not very wise if we go and
8 say to whomever out there the mines, for example,
9 should pay more taxes, because I mean, we threaten the
10 security of our mines and it just so happens with the
11 mines, the underground workings aren't assessed to any
12 great level.

13 If we had an open pit here, just great,
14 but we've talked to the politicians, we've talked to
15 the Ministry people on that whole issue and we say:
16 Hey, we don't want our mines to pay more money, we want
17 some of the money they send south and we want it to
18 stay here.

19 Well, we're a little voice in the
20 wilderness necessary and it's gone, I mean, it's gone.
21 Now, we're saying - and maybe we're away up in the
22 field on this one - that we should look at the forest
23 industry in the same manner. In other words, you take
24 a given tree that's two miles down here and we cut the
25 tree and a certain amount of, I don't know, wealth or

1 value of that tree stays here, and a tremendous amount
2 of the value goes to Dryden because that's where the
3 mill is and they benefit - and I hesitate to use the
4 word our tree, it's the province's tree, but it's the
5 tree that's here, you see.

6 So we're saying in this that maybe a
7 stakeholders group could advocate that our government
8 take a look at this and that the money that is paid for
9 stumping some of that stay here as an assessment,
10 equalizing this transfer of the wealth instead of going
11 to the general revenue, and maybe -- and that's
12 applying some concept to the forestry industry in
13 relation to the same thought for the mining industry.

14 What we're not saying, however - and we
15 don't want it confused - is that we don't want the
16 contractor or the logging person who is working in the
17 bush to pay more taxes, because that just threatens the
18 survival of that operation and we're cutting our own
19 throats. We're saying that the money that's sent
20 south, there should be some more of it stay in the
21 north. That is another solution.

22 MR. TOBIN: Those are the questions I
23 have.

24 MADAM CHAIR: Thank you, Mr. Tobin.

25 I think we will take another short break.

1 Could the parties tell the Board how long they will be
2 in cross-examination of Mr. McLeod?

3 MR. COSMAN: Three minutes.

4 MS. SEABORN: No questions, Madam Chair.

5 MR. FREIDIN: Well, I will be shorter
6 than Mr. Cosman.

7 MADAM CHAIR: Well, why don't we do that,
8 complete his brief cross-examination and then break.

9 Mr. Cosman?

10 MR. COSMAN: Now I am encouraged to go
11 more quickly.

12 MR. MARTEL: We can't stop you.

13 CROSS-EXAMINATION BY MR. COSMAN:

14 Q. I am not entering into the area of
15 tax reform, I will leave that to the township council,
16 Mr. McLeod, but I do want to ask one question.

17 With respect to the Red Lake Board, you
18 described its limited tax base. Am I right that the
19 Red Lake Board has jurisdiction including Ears Falls?

20 A. That's right.

21 Q. I know from a socio-economic study
22 filed at this hearing by Watson, Ken Watson and
23 Associates, that Ear Falls recently sustained a massive
24 loss in the assessment base by reason of a mine
25 closing?

1 A. Griffith mine, yes.

2 Q. That isn't referred to in your
3 statement, but has that had a significant impact upon
4 your board's tax base?

5 A. Not at all, but it had a phenomenal
6 impact. The reason I didn't mention it is because it
7 occurred about 1985, a year prior to me coming here,
8 and I still as a board employer bear lots of scars over
9 this one and we lost well over half of our commercial
10 assessment and it drove taxes up phenomenally in the
11 communities.

12 That is the mechanism that the Ministry
13 employs to reduce the impact of that kind of loss on
14 the board, but it just didn't reduce it to the degree
15 that is there. There was a phenomenal loss.

16 Q. One short question. You would agree
17 that it is desirable from the board's perspective to
18 enhance the industrial and commercial tax base of the
19 community?

20 A. Definitely.

21 MR. COSMAN: Thank you.

22 MADAM CHAIR: Mr. Freidin?

23 CROSS-EXAMINATION BY MR. FREIDIN:

24 MR. FREIDIN: Q. Mr. McLeod, in your
25 witness statement and in your evidence you talked

1 about -- you have spoken about the authority of the
2 proposed stakeholders' committee.

3 You were asked in an interrogatory what
4 was meant by the authority on issues of the development
5 of economics. Part of your answer was, one example of
6 how this might be exercised is that if an area of
7 concern arises and that if all biological factors have
8 been taken into account, the local stakeholders'
9 committee should have the final say on the
10 socio-economics.

11 Can you give me an example of what you
12 had in mind when you talked about a situation where the
13 biological factors would have been taken into account
14 and now the local stakeholders would have a final say
15 on the social economics?

16 A. Certainly. Based upon the comments I
17 made today that statement certainly doesn't hold water
18 and I don't think the stakeholders' committee should
19 have the final say on any significant issue. On a
20 minor issues, yes; but not on a significant issue.

21 Do you want an example of that?

22 Q. Sure.

23 A. The issue, for example, that Mr.
24 Carlson was talking about. I can see that where, with
25 stakeholders, it makes a lot of sense to go around

1 there, but it only incurs additional costs.

2 Q. What if, in that example, by going
3 around there and incurring that additional cost that
4 the timber weren't harvested? If that's the
5 consequence, that's a more difficult situation?

6 A. Exactly. Now, if the timber company
7 (inaudible) me with bulldozers and greater than two
8 skidders, I would be there talking to that with the
9 Ministry and many stakeholders' committee and
10 presenting my case too, and they are not going to want
11 to drive me out of business anymore they want to drive
12 Mr. Carlson out of business. That's the essence of the
13 operation.

14 If a stakeholders' committee sees some
15 multi -- some extremely large and prosperous forest
16 company, maybe it is not such a great issue. The big
17 guy versus the little guy.

18 Q. In that case it would be easier to
19 say, don't harvest, it costs too much?

20 A. Sure.

21 Q. But it is more difficult if it is a
22 smaller operator?

23 A. It is going to drive someone out of
24 business in the economic sense forever.

25 Q. Is that one of the simple decisions

1 which would be left with the stakeholders having the
2 final say or the Ministry, or is that one of those
3 difficult calls where you have to develop some kind of
4 system to deal with it?

5 A. I think there has been to be a system
6 developed.

7 MR. FREIDIN: Those are all my questions.
8 Thank you.

9 MADAM CHAIR: Thank you, Mr. Freidin.

10 Before we have a break, Mr. Tobin, it
11 seems to the Board that we have made great progress
12 today in hearing the evidence of six of your eight
13 witnesses.

14 How long do you anticipate it will take
15 to hear the evidence and cross-examination of Mr.
16 Sayeau and Mr. Fahlgren?

17 MR. TOBIN: My estimate is probably -- I
18 didn't think it would take this long to get this far.
19 Mr. Sayeau and Mr. Fahlgren may be an hour each, having
20 regard to what transpired all day today.

21 MADAM CHAIR: You only have two witnesses
22 to call?

23 MR. TOBIN: That's correct.

24 MADAM CHAIR: The Board is in your hands.
25 It was our view, depending on how long you would take,

1 to sit in the evening, but it looks as though we are go
2 finish by noon tomorrow if we start early tomorrow
3 morning.

4 If you want to start at 8:30 we can be
5 finished easy by noon. Is that agreeable to your
6 clients?

7 MR. TOBIN: That will be fine.

8 MADAM CHAIR: It is better than this
9 evening. You would prefer that.

10 MR. FREIDIN: I am just wondering whether
11 they can advise if there are going to be any other
12 witnesses.

13 As you know, Madam Chair, a subpoena was
14 issued for Mr. Sidders. It was served. Mr. Axford has
15 advised me repeatedly that if there is time he would
16 like to examine him. If in fact we are going to take
17 until noon, I am assuming that Mr. Axford is going to
18 want to call Mr. Sidders.

19 I would like some idea if Mr. Sidders is
20 required for tomorrow because I understand we would
21 like the matter to end so people's travel arrangements
22 can be made.

23 MADAM CHAIR: Mr. Tobin, does your client
24 plan on calling Mr. Sidders as a witness?

25 ---Discussion off the record

1 MADAM CHAIR: Why don't we take our break
2 now and hear the submissions after. Would that be
3 agreeable?

4 ---Recess at 4:10 p.m.

5 --On resuming at 4:25 p.m.

6 MADAM CHAIR: We will reconvene to decide
7 what the rest of the schedule will be for CASIT's case.

8 Mr. Tobin?

9 MR. TOBIN: It is my suggestion, Madam
10 Chair, that we proceed tomorrow morning with the two
11 witnesses for which the Board already has witness
12 statements and we have heard that Mr. Axford -- a
13 subpoena has been issued for Mr. Sidders.

14 I understand from Mr. Axford that the
15 information to be elicited or hopefully elicited from
16 Mr. Sidders should take approximately half an hour to
17 reach or to obtain.

18 With respect to the other two witnesses,
19 subject to cross-examination, they would be like the
20 witnesses today. I wouldn't expect them to be any more
21 than hour all the way around with everybody
22 cross-examining.

23 Mr. Sayeau's testimony relates to his hat
24 as a township councillor and business person here. You
25 have heard some testimony in that regard.

1 Mr. Fahlgren's testimony relates to his
2 experience and his recommendations as to how
3 socio-economic issues can be dealt with.

4 So having said that, 8:30 or if, for the
5 Board's benefit, it wants to start half an hour earlier
6 I will be here.

7 MADAM CHAIR: Mr. Axford, can someone
8 tell me what Mr. Sidder's position is with the Ministry
9 of Natural Resources?

10 MR. FREIDIN: He is the unit forester for
11 the Red Lake Crown.

12 MADAM CHAIR: Thank you.

13 Mr. Axford, you will be questioning Mr.
14 Sidders yourself?

15 MR. AXFORD: We will be discussing that
16 tonight.

17 MADAM CHAIR: But at this time we think
18 it would be about a half hour of questions.

19 Do the parties have any objections if we
20 finish today's session now?

21 (no response)

22 I think the court reporters have had a
23 fairly long day and we will reconvene at 8:30 tomorrow
24 morning.

25 MR. FREIDIN: I am just wondering, Madam

1 Chair. In terms of the timing, so we don't run into
2 problems, I have reviewed Mr. Sayeau's portion of the
3 witness statement and about 60 per cent of it is word
4 for word from Exhibit 683 which was filed and read and
5 cross-examined on in Dryden.

6 I was wondering if we are going to have
7 to go through that again or whether -- if Mr. Tobin
8 wasn't going to deal with that our time would be even
9 less.

10 MR. TOBIN: As I understand from my
11 friend what was presented in Red Lake -- I'm sorry,
12 Dryden, dealt with a lot of the hard core municipal
13 infrastructure matters and I don't know that a lot of
14 time is planned to be spent on that in any event
15 because Mr. McLeod covered that to a great extent
16 today.

17 MADAM CHAIR: The Board in preparation
18 for the hearing has reviewed Volume 141 carefully to
19 refresh our memories about what Mr. Sayeau has said.

20 MR. TOBIN: But there are other points
21 that Mr. Sayeau is going to make.

22 MADAM CHAIR: That's fine. The Board is
23 anxious to hear that.

24 MR. FREIDIN: Madam Chair, could I file
25 two documents before we adjourn?

1 MADAM CHAIR: Yes.

2 MR. FREIDIN: I would like to file two
3 affidavits. One is an affidavit of Tracey Tieman,
4 sworn on May the 8th, 1991. It is the affidavit in
5 relation to the notices which were mailed in respect to
6 this community hearing. Just for the record, there
7 were 1,121 notices mailed and perhaps that document
8 could be made the next exhibit.

9 MADAM CHAIR: That will be Exhibit 1834.

10 ---EXHIBIT NO. 1834: Affidavit of Tracey Tieman, sworn
11 on May the 8th, 1991 re notices
mailed in respect to the
community hearing.

13 MR. FREIDIN: The second document is an
14 affidavit of John Dadds, again sworn on May the 8th,
15 1991. It is an affidavit which speaks to the
16 publication of the notice of a public hearing in Red
17 Lake in the newspapers.

18 I note that some money was funded into
19 the Town of Red Lake as we published in the Red Lake
20 District News to the great joy of Mr. Axford.

21 MADAM CHAIR: That will be Exhibit 1835.

22 ---EXHIBIT NO. 1835: Affidavit of John Dadds, sworn on
23 May the 8th, 1991 re publication
of the notice of a public
hearing.

25 MR. FREIDIN: We have found Mr. Axford's

1 rates very competitive in Red Lake.

2 MR. AXFORD: Thank you.

3 MADAM CHAIR: All right. We will close
4 this session today and the Board will return for 8:30
5 tomorrow morning.

6 Thank you very much.

7 ---Whereupon the hearing was adjourned at 4:40 p.m., to
8 be reconvened on Thursday, May 9th, 1991, commencing
9 at 8:30 a.m.

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25 BD/MC [c. copyright, 1985]

